

45.

174

STATE OCCUPATIONAL LICENSING
IN IOWA

STATE OCCUPATIONAL LICENSING
IN IOWA

A Thesis
Presented to
The Graduate Division
Drake University

Approved by Committee:

Edward R. Hayes
Chairman

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

Edward R. Hayes

Arthur J. Miller
Dean of the Graduate Division

by
Gilbert Cranberg

June 1956

146873

DRAKE LIBRARY

1956
C85

STATE OCCUPATIONAL LICENSING
IN IOWA

ACKNOWLEDGMENT

Appreciation is here expressed to Dean Herbert
W. Bohlsen, of the College of Business Administration,
Gilbert Cranberg, B. A.
Drake University, for aid, advice, and encouragement in
the compilation of this thesis.

Approved by Committee:

Herbert W. Bohlsen
Chairman

H. E. Alley

Myrtle Beersma
Edward R. Hayes

Donald J. Wallan
Dean of the Graduate Division

1622

TABLE OF CONTENTS

CHAPTER	PAGE
I. INTRODUCTION	1
II. THE STATUTORY BASIS OF LICENSURE	6
Membership of Licensing Boards	6
Board Administration	11
Quasi-Judicial Functions	16
ACKNOWLEDGEMENT	
Appreciation is hereby expressed to Dean Herbert W. Bohlman, of the College of Business Administration, Drake University, for aid, advice, and encouragement in the compilation of this thesis.	
Board of Accountancy Examiners	34
Board of Architectural Examiners	36
Board of Barber Examiners	38
Board of Chiropractic Examiners	40
Board of Chiropractic Examiners	41
Board of Cosmetology Examiners	42
Board of Examiners for Court Reporters	44
Board of Dental Examiners	45
Board of Educational Examiners	47
Board of Engineering Examiners	50
Board of Funeral Director and Embalmers Examiners	54
Board of Law Examiners	59
Board of Medical Examiners	60

DRAKE UNIVERSITY

TABLE OF CONTENTS

CHAPTER	PAGE
I. INTRODUCTION	1
II. THE STATUTORY BASIS OF LICENSURE	6
Membership of Licensing Boards	6
Board Administration	11
Quasi-Judicial Functions	16
Other Duties	23
Qualifications for Licensure	25
III. USES OF THE RULE-MAKING POWER	34
Board of Accountancy Examiners	34
Board of Architectural Examiners	36
Board of Barber Examiners	38
Board of Chiropody Examiners	40
Board of Chiropractic Examiners	41
Board of Cosmetology Examiners	42
Board of Examiners for Court Reporters	44
Board of Dental Examiners	45
Board of Educational Examiners	47
Board of Engineering Examiners	50
Board of Funeral Director and Embalmer Examiners	54
Board of Law Examiners	59
Board of Medical Examiners	60

CHAPTER	PAGE
Board of Mine Examiners	60
Board of Nurse Examiners	61
Board of Optometry Examiners	64
Board of Osteopathic Examiners	68
Board of Pharmacy Examiners	69
Real Estate Commission	70
Board of Veterinary Medicine Examiners . . .	72
Board of Examiners in Watchmaking	72
IV. PRACTICES OF THE EXAMINING BOARDS	74
Board of Architectural Examiners	74
Board of Barber Examiners	76
Board of Chiropractic Examiners	77
Board of Cosmetology Examiners	80
Board of Engineering Examiners	81
Board of Funeral Director and Embalmer Examiners	83
Board of Medical Examiners	86
Board of Osteopathic Examiners	88
Board of Pharmacy Examiners	90
Real Estate Commission	92
Board of Examiners in Watchmaking	96
V. CONCLUSION	98
BIBLIOGRAPHY	102

LIST OF TABLES

TABLE	PAGE
1. Size of Iowa Occupational Licensing Boards . . .	6
2. Fees Charged by Iowa Occupational Licensing Boards	12
3. Methods of Financing Iowa Occupational Licensing Boards	14
4. Minimum Age Requirements of Iowa Occupational Licensing Laws	26
5. Citizenship Requirements of Iowa Occupational Licensing Laws	27

The study is fundamentally descriptive. It was undertaken with the objective of presenting a picture of a function of government charged with the public interest that is largely hidden from public scrutiny. It was prompted by lack of an overall view of licensure in Iowa.

Discussion of the use of rule-making power by administrative bodies inevitably raises questions of the limits placed on this power by judicial decision. This is a question beyond the scope of the present study, which was limited to maps of the rule-making power.

This study was further limited to boards with the common function of certifying applicants for the practice of a profession or occupation. Each board studied operates under a law that sets minimum educational and/or experience requirements

DRIFT LIBRARY

CHAPTER I

INTRODUCTION

This study represents an attempt to review occupational licensing by the State of Iowa as of July 1, 1955. Its purpose was to describe the legal structure of licensing and to indicate the ways in which the boards charged with administration of the licensing laws have utilized their rule-making power. Finally, through a sample study of the Iowa boards, the writer attempted to describe "unwritten" practices of the boards in their day-to-day operation.

The study is fundamentally descriptive. It was undertaken with the objective of presenting a picture of a function of government charged with the public interest that is largely hidden from public scrutiny. It was prompted by lack of an overall view of licensure in Iowa.

Discussion of the use of rule-making power by administrative bodies inevitably raises questions of the limits placed on this power by judicial decision. This is a question beyond the scope of the present study, which was limited to usage of the rule-making power.

This study was further limited to boards with the common function of certifying applicants for the practice of a profession or occupation. Each board studied operates under a law that sets minimum educational and/or experience requirements

and establishes a procedure for passing on the fitness of an applicant.¹

Twenty-one boards² were reviewed. They license a total of twenty-seven professions and occupations. The dental board licenses dental hygienists as well as dentists; the funeral director and embalmer board, funeral directors and embalmers; the engineering board, land surveyors as well as professional engineers; the mine board,³ hoisting engineers and mine foremen; the real estate commission, real estate brokers and salesmen; the osteopathic board,⁴ osteopathic surgeons as well as physicians.

¹While the law examiners conduct examinations and certify candidates, the final power to admit candidates is vested exclusively in the Iowa Supreme Court.

²Board of accountancy examiners; board of architectural examiners; board of barber examiners; board of chiropractic examiners; board of chiropody examiners; board of cosmetology examiners; board of dental examiners; board of educational examiners; board of engineering examiners; board of funeral director and embalmer examiners; board of law examiners; board of medical examiners; board of mine examiners; board of nurse examiners; board of optometry examiners; board of osteopathic examiners; board of pharmacy examiners; real estate commission; board of examiners for court reporters; board of veterinary medicine examiners; board of examiners in watchmaking.

³The mine board also licenses mine inspectors. The position of mine inspector is an official state position, rather than a broad occupational category. It is therefore not within the scope of this study.

⁴Requirements for licensure of osteopathic surgeons differ from requirements for other osteopathic physicians only in terms of the training required and the examination. Osteopathic surgeon licensure will be discussed separately from licensure of osteopathic physicians only in these two respects.

The board of basic science examiners was not included in this study. While this board has an examining function, it is not a licensing body. It is an intermediate agency that conducts examinations for the health professions in various preparatory subjects. Each of the health boards is charged with the responsibility for licensure and it was the respective operations of the boards that were studied.

Licensing of private detectives and detective agencies was likewise omitted. This is a responsibility of the Commissioner of Public Safety rather than of an examining board, and is primarily of a regulatory character.

A picture of Iowa occupational licensing is not easily obtained. The boards that handle this function are in large part administratively decentralized. The only instance of functions being handled in common under generally like statutes is in the State Department of Health. At one time the Department served as the administrative arm of the boards for all of the health professions.¹ The general provisions of the Practice Act² established uniform procedures for all these boards.

Time and legislative sessions, however, have served to whittle away at this uniform centralized arrangement. Today,

¹The boards of barber, chiropody, chiropractic, cosmetology, dental, funeral director and embalmer, medical, nurse optometry, osteopathic, and pharmacy examiners.

²Iowa, Code of 1954, c.147.

of the eleven health boards, only chiropody, dental, funeral director and embalmer, and optometry examiners are served by a common staff in the Department's division of licensing, and follow generally uniform procedures.

Numerous "exceptions"¹ have been added to the general provisions. These have made the boards of nurse, pharmacy, osteopathic, and chiropractic examiners virtually independent boards. All of them now have their offices outside the State Department of Health. The medical board similarly has been given semi-independent status, although it remains in the Department. The barber and cosmetology boards both belong to separate "divisions."

The remaining Iowa licensing boards are scattered under similar diverse arrangements. The veterinary medicine board is attached to the Department of Agriculture, but the accountancy board is located in downtown Des Moines in the office of its secretary-accountant. The watchmaking board has a suite of offices, also in a private downtown Des Moines building; the architectural board is located in the office of its secretary-architect in Chariton, Iowa. Headquarters for the court reporters board is the office of its secretary in Sioux City, but the clerk of the Supreme Court in Des Moines also handles the board's administrative work, as well as the work of the board of law examiners. The engineering board is at the

¹Ibid., secs. 94-110.

office of the secretary of the Executive Council at the State Capitol; the real estate commission is also located at the Capitol. For convenience, the independent board of mine examiners utilizes the office of the state mine inspectors, also at the Capitol.

The physical attachments and location of the boards provide only a surface picture of the Iowa licensing mechanism. The following section is the picture of the inner mechanism as it has been created by action of the legislature.

Number of Members		
Three	Five	Nine
Accountancy	Architectural	Educational
Barber	Dental	
Chiropractic	Engineering	
Chiroprody	Law	
Cosmetology	Meat	
Court Reporters	Mine	
Fundicial Director & Subaltern	Nurse	
Optometry	Real Estate	
Osteopathy	Watchmaking	
Pharmacy		
Veterinary Medicine		

While the statute calls for a minimum of five members, membership is set at six by rule of the Iowa Supreme Court.

Qualifications of Board Members. The overwhelming majority of licensure laws require that boards consist of licensed, practicing members of the profession. This is true

All material in chapter II is taken from ss. 34, 111, 115, 116, 117, 118, 120, 127, 128, 129, 130, 151, 152, 153, 154, 155, 156, 157, 158, 159, 167, 200, 210 of the Iowa Code of 1954.

CHAPTER II

THE STATUTORY BASIS OF LICENSURE

I. MEMBERSHIP OF LICENSING BOARDS

Board Size. Eleven of the boards¹ are required to have three members, eight boards five members, and one board "at least" five members. One board has nine members.

TABLE 1

SIZE OF IOWA OCCUPATIONAL
LICENSING BOARDS
1955

Number of Members		
Three	Five	Nine
Accountancy Barber Chiropractic Chiropody Cosmetology Court Reporters Funeral Director & Embalmer Optometry Osteopathic Pharmacy Veterinary Medicine	Architectural Dental Engineering Law ^a Medical Mine Nurse Real Estate Watchmaking	Educational

^aWhile the statute calls for a minimum of five members, membership is set at six by rule of the Iowa Supreme Court.

Qualifications of Board Members. The overwhelming majority of licensure laws require that boards consist of licensed, practicing members of the profession. This is true

¹All material in chapter II is taken from cc. 82, 114, 115, 116, 117, 118, 120, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 169, 257, 260, 610 of the Iowa Code of 1954.

of the boards of cosmetology, pharmacy, barber, chiropody, funeral director and embalmer, medical, optometry, osteopathic, chiropractic, nurse, dental, engineering, accountancy, architectural, veterinary medicine, watchmaking, and law examiners. In addition to at least four lawyers, one member of the board of law examiners must be the Attorney General of the state, who usually is an attorney. The court reporters board consists of two court shorthand reporters and a practicing attorney. Although the engineering board licenses land surveyors as well as professional engineers, only professional engineers may serve on the board. Dental examiners must be licensed dentists although the board also licenses dental hygienists. The law does not limit membership on the nurse examiners board to registered nurses, and does not specifically bar practical nurses, which the board also licenses. The real estate commission, which licenses brokers and salesmen, is made up of the Secretary of State and four real estate brokers. The board of mine examiners must consist of two practical miners, two mine operators, and one mining engineer.

In a class by itself is the board of educational examiners. This board consists of the members of the state board of public instruction. Public instruction board members must be lay people. No person, the major portion of whose time is engaged in professional education or who derives a

major portion of his income from any business or activity connected with education, can be eligible for membership on the state board.

Selection of Members. The usual method of selecting board members is appointment by the Governor. This is the case for all but the boards of mine, veterinary medicine, court reporters, law, and educational examiners. In the case of the court reporters board, appointment is by the Chief Justice of the Iowa Supreme Court. Law examiners are appointed by the Supreme Court. Mine examiners are selected by the State Executive Council. The Department of Agriculture selects members of the veterinary medicine board. All but one of the members of the state board of public instruction, who constitute the board of educational examiners, are elected in district conventions made up of delegates from local boards of education. The Governor does appoint one member of the state board.

In only two instances is the Governor's choice subject to approval. Members of the real estate commission and the lone gubernatorial appointee to the educational board must be confirmed by two-thirds vote of the Iowa Senate.

However, the Governor's choice is frequently circumscribed in other ways. The law gives to eleven state trade or professional groups whose occupations¹ are regulated by

¹Chiropractic, medicine, osteopathy, nursing, pharmacy, chiropody, optometry, funeral directing and embalming, barbering, cosmetology, and dentistry.

the boards an important voice in selection of board members. The regular state association or society or its managing board may submit a list of six names annually to the Governor from which the Governor is obliged to make his selection.

Grounds for Disqualifying Board Members. There is a varied list of requirements, however, that can disqualify members of the preceding "health" professions from board service. None, with the exception of nurses, may be an officer of any school engaged in teaching one of the licensed professions. Moreover, no funeral director and embalmer, optometry, cosmetology, or barber examiner can be connected with any wholesale or jobbing house dealing in supplies of his particular trade or profession.

There are also restrictions that prevent mine examiners from having any connection with schools of mine instruction. Licensed real estate men are barred from appointment to the board if they hold any other state or federal office. In addition, while real estate examiners must be residents of the state, no two may be from the same Iowa county. To be an engineering examiner, one must be at least thirty-five years old, shall have had charge of engineering work for at least two years and be a member either of the state or national engineering society. A watchmaker can be barred from board membership for political affiliation since not more than three of the five board members can be from the same political party.

While all the licensure laws provide for appointment of board members, only two make specific provision for removal. An architectural board member can be removed by the Governor for misconduct, incapacity, or neglect of duty. Mine examiners are subject to removal by the Executive Council for violations of law, misfeasance or malfeasance.

Remuneration of Members. The usual remuneration for board members is \$10 per day plus necessary expenses while engaged in the performance of board business. This is the amount provided for the boards of pharmacy, medical, funeral director and embalmer, barber, cosmetology, chiropody, optometry, osteopathic, chiropractic, nurse, dental, and engineering examiners. The boards of watchmaking, veterinary medicine, real estate, and mine examiners are allowed the same basic per diem, with limitations. The mine board has a ceiling of \$400 annually on compensation paid to board members. The ceiling for watchmaking board members is \$300,¹ for real estate, \$500. The statute stipulates that veterinary medicine board members be paid five cents per mile for travel related to the conduct of board business. Educational board members get \$15 per diem plus expenses. In the case of architectural, court reporters, and accountancy board members expenses only are allowed by statute. The compensation of law examiners is left by law to the discretion of the Court.

¹The watchmaking board secretary, however, may be paid up to \$1,500 a year.

II. BOARD ADMINISTRATION

Personnel. Board members carry on board functions in a variety of ways. About half the licensure laws contain provision for hiring board personnel. The chiropractic and osteopathic boards are allowed clerical assistants. The watchmaking board may also hire clerical help, in addition to having a paid secretary. Full-time secretaries or directors are provided the pharmacy, nurse, real estate, and engineering boards.¹ The real estate commission also has authority to hire clerical help, while the nurse board may hire assistants and inspectors. The State Superintendent of Public Instruction directs the work of such personnel as may be necessary for the educational board. The board of medical examiners is empowered to employ clerical help and select a full-time inspector. The hiring of the inspector is by the commissioner of health on the request and with the approval of the board. The Commissioner of Health also appoints inspectors and clerical assistants, with the approval of the respective boards, to administer and to enforce the provisions of law relative to the practice of barbering and cosmetology. There is provision for defraying the expenses of clerical hire for the board of architectural examiners.

Fee Charges. The fees charged by the boards fall into three major categories: fees for the examination, for

¹The secretary of the engineering board is the secretary of the Executive Council, or an assistant designated by him. The board may also hire legal, technical and clerical assistants.

the license certificate, for renewal.

Twelve of the boards charge for issuance of the certificate and annual renewal, but not for the examination itself. Three of the boards charge for all three. Two charge

TABLE 2

FEES CHARGED BY IOWA OCCUPATIONAL
LICENSING BOARDS
1955

Board	Fees Charged for		
	Examination	License	Renewal
Accountancy	\$25	\$10	\$10
Architectural	\$10	\$15	\$10
Barber	---	\$10	\$3
Chiropractic	---	\$20	\$1
Chiropody	---	\$20	\$1
Cosmetology	---	\$10	\$3
Court Reporters	\$5	---	---
Dental	---	\$10 ^c , \$25 ^d	\$1 ^g
Educational	---	---	\$2 ^h , \$5 ⁱ
Engineering	\$10 ^a , \$15 ^b	\$10 ^e	\$2 ^j
Funeral Director & Embalmer	---	\$10	\$2
Law	\$5	---	---
Medical	---	\$25	\$3
Mine	---	---	---
Nurse	---	\$10 ^f	\$2 ^k
Optometry	---	\$20	\$1
Osteopathic	---	\$20	\$1
Pharmacy	---	\$10	\$2.50
Real Estate	---	---	\$5 ^l , \$10 ^m
Veterinary Medicine	---	\$24	\$1
Watchmaking	\$10	---	\$5

^aLand surveyors. ^bEngineers. ^cDental hygienists.

^dDentists ^eLand surveyors and engineers.

^fRegistered and practical nurses.

^gDental hygienists and dentists.

^hAll but life certificate. ⁱLife certificate.

^jLand surveyors and engineers. ^lSalesmen.

^kRegistered and practical nurses. ^mBrokers.

only for renewal, two only for examination, while one charges for examination and renewal. Fee charges vary extensively.

Two additional types of renewal fees are paid by embalmers, funeral directors, and pharmacists. Law requires that \$3 be added to the renewal fees of funeral directors and embalmers to "be paid to the board of embalming examiners at such time as said board of funeral directors and embalmer examiners or the Iowa funeral directors association conducts a statewide educational meeting for its members, in such amounts as are necessary for such said meeting only and such funds so collected by the state department of health shall be used for the advancement of the arts and sciences of the embalming profession."¹

Licensed pharmacists are required annually to add \$2.50 to their regular renewal fee. The funds derived from the additional renewal fee collected under this section shall be paid to the state pharmacy association upon the order of its treasurer and secretary. Said funds shall be used by such association in the advancement of the art and science of pharmacy.²

Board Financing. Licensing boards also differ in the method by which their financial needs are met under the law. The laws of eight boards stipulate that expenses shall be defrayed by fees collected by the boards. The remainder call for appropriations by the legislature.

¹Iowa Code, c.147, sec. 101.

²Ibid., sec. 100.

TABLE 3

METHODS OF FINANCING IOWA OCCUPATIONAL
LICENSING BOARDS

Fee	Appropriation
Accountancy	Barber
Architectural	Chiropody
Cosmetology	Chiropractic
Engineering	Dental
Law	Educational
Nurse	Funeral Director & Embalmer
Court Reporters	Mine
Watchmaking	Medical
	Optometry
	Osteopathic
	Pharmacy
	Real Estate
	Veterinary Medicine

All laws calling for financing by fee specify that fees collected shall be placed in specially designated funds in the state treasury. The laws relating to law, nursing and watchmaking specify that unexpended fees left in the funds at the end of the fiscal year shall revert to the general fund. Four of the laws state that unexpended fees shall be carried over from year to year to the credit of the boards. These relate to accountancy, cosmetology, architecture, and engineering

The remaining law that specifies financing by fees takes a middle ground. The statute on court reporters provides that fees shall be kept in a special fund. But it does not require either that fees be carried over from year to year nor that they revert to the general fund of the state.

All the other boards¹ are set up under laws that require operation under regular biennial appropriations of the state legislature.

Expenditures. Three specific restrictions appear relative to expenditures.

"The entire cost of the administration and enforcement of the provisions of law relating to the practice of cosmetology shall not exceed in any one year the receipts under such laws for such year together with the balance held by the treasurer of state in the cosmetology fund from preceding years."²

Although the barber board is financed by appropriation, it is stipulated "that the entire cost of the administration and enforcement of this chapter shall not exceed in any year the receipts by virtue of this chapter for such year."³

In the case of the architectural board, "at no time shall the total amount of vouchers (drawn by the president and secretary of the board) exceed the total amount in the fund of the board of architectural examiners."⁴

Reciprocal Relations. There is some provision for recognizing out-of-state licenses and establishing reciprocal

¹The boards of pharmacy, educational, real estate, dental, mine, chiropody, optometry, veterinary medicine, barber, funeral director and embalmer, medical, osteopathic, and chiropractic examiners.

²Iowa Code, c.157, sec. 8.

³Ibid. c. 158, sec. 9.

⁴Ibid. c.118, sec. 12.

relations in all but the laws relating to court reporters and the mine board. In the case of accountants, architects, engineers, watchmakers, chiropractors, medical doctors, osteopaths, pharmacists, and nurses, the boards handle these relations. The Department of Agriculture establishes such relations for the veterinary medicine board; the State Health Department has the responsibility for the boards of barber, cosmetology, chiropody, dental, funeral director and embalmer, and optometry examiners. The Iowa Supreme Court has the authority in the case of out-of-state lawyers.

III. QUASI-JUDICIAL FUNCTIONS

Revocation and Suspension. All of the licensing laws contain provision for revocation of licenses. All but the laws relative to engineering, court reporting, architecture, teaching, mining, and watchmaking provide for suspension of licenses as well as revocation.

The authority to revoke or suspend licenses rests in the hands of the respective boards of accountancy, mine, real estate, engineering, court reporters, architectural, and watchmaking examiners. The board of educational examiners shares the authority with the county school superintendents: both have power to revoke teaching certificates. The veterinary board decides revocations and suspensions in conjunction with the Secretary of Agriculture.

Revocation and suspension action against attorneys,

dentists, cosmetologists, barbers, pharmacists, osteopaths, medical doctors, chiropodists, chiropractors, optometrists, embalmers and funeral directors, and nurses are all handled in the courts. The Supreme Court designates the judges to hear the action in the case of the attorneys. Jurisdiction over the other licensed occupations rests with the District Court in which the licensee resides.

The boards have nothing to do with revocation or suspension when these matters are handled by the courts. The court or any individual can initiate the proceeding in the case of attorneys. The State Department of Health directs the Attorney General to act in the other instances.

Grounds for Action. An attorney's license to practice can be revoked or suspended for conviction of a felony or misdemeanor involving moral turpitude, disobeying or violating a court order, violating the duties of an attorney, or for soliciting legal business other than through an acceptable listing.

The grounds for revocation or suspension applying to dentists, medical doctors, osteopaths, chiropractors, nurses, pharmacists, optometrists, chiropodists, funeral directors, embalmers, barbers, and cosmetologists are the same. They are fraud, incompetency, immoral, unprofessional or dishonorable conduct, habitual intoxication or drug addiction, conviction of an offense involving turpitude, untruthful ad-

vertising, distributing drugs or intoxicating liquors for illegal purposes, willful or repeated violation of the law or rules of the Department of Health, and practicing while knowingly having an infectious or contagious disease.

The term "unprofessional conduct" is further defined in the statute to mean soliciting professional patronage, receiving fees on the promise of curing an incurable disease, accepting a witness fee in addition to the court's fee without knowledge of the court, splitting fees or agreeing to split fees without the consent of the patient, advertising relative to the regulation of the menstrual period, participating in any way in a criminal abortion, willful betrayal of a professional secret, and willful neglect of a patient in a critical condition.

In addition, "unprofessional conduct" is further defined for dentists and dental hygienists to include advertising other than the carrying of a professional card or display of a window or street sign stating only the name, address, profession, office hours, and telephone number; making use of advertising solicitors or publicity agents; soliciting employment personally or by representative.¹

Other boards can revoke or suspend licenses for a

¹Dentists and dental hygienists renewing licenses have to declare affirmatively that they have not violated any provisions of the licensing law nor committed any of the acts of unprofessional conduct. If the Commissioner of Health is informed otherwise, he is obliged to conduct a hearing. An appeal from the findings may be taken to District Court.

variety of reasons. Revocation of architectural licenses may be for fraud or misrepresentation or deceit in professional practice; for being convicted of a felony by a court of justice; for gross incompetence or negligence; or for habitual drunkenness or narcotic addiction. The court reporters board can revoke merely "for sufficient cause," not further specified.

The real estate commission may revoke or suspend for misrepresentation, false promises, acting for more than one party, acting in behalf of someone other than one's employer, failure to remit funds, being unworthy or incompetent, any other improper, fraudulent or dishonest dealing, or conduct determined by the commission to be detrimental to the public interest.

Accountancy licenses may be revoked for conviction of a felony or any lesser offense involving dishonesty or fraud, for being involved in the issuance of false financial statements, or for obtaining the license by fraudulent means. Accountancy licenses can be suspended only for unprofessional or unethical conduct, and for no longer than a year.

The watchmaking board can revoke licenses for fraud, and grossly incompetent, immoral, or unethical conduct. Veterinarian licenses can be revoked or suspended for fraud, immoral, unprofessional or dishonest conduct, incompetence, habitual intoxication or drug addiction, conviction for an

offence involving moral turpitude, use of untruthful or improbable statements, distribution of alcohol or drugs for illegal purposes, having connections with illegal practitioners, fee splitting, or failure to have certain tests done at recognized laboratories.

Engineering and land surveying licenses are revocable for fraud, deceit, or incompetence. Mine formen and hoisting engineers can have their licenses revoked for disobeying an order of a mine inspector, or for conviction of a misdemeanor relative to their duties.

Educational examiners may revoke teaching licenses for any of the grounds for which they can refuse to issue a certificate. Qualifications for teaching include being "physically competent and morally fit to teach." A county superintendent can act to revoke when there is probable cause, or for incompetency, immorality, intemperance, cruelty or general neglect of the business of the school.

Revocation or suspension action by the real estate commission must be by majority vote while the vote of the accountancy board must be two-thirds. Revocation action of the engineering board is required by law to be by four-fifths vote. The statutes make no reference to the size of the vote necessary to revoke or suspend licenses in the case of the other boards.

Appeals. The statutes fail to provide specifically

for an appeal procedure after revocation or suspension in the case of the boards of architectural, veterinary medicine, court reporters, mine, engineering, and accountancy examiners.

There is specific provision for watchmakers, and real estate brokers and salesmen to appeal decisions to the District court, and in the case of attorneys, to the Supreme Court. Teachers whose licenses are revoked by action of the county superintendent are allowed appeal to the Superintendent of Public Instruction. In the case of holders of life certificates, revocation is not final until there is a full hearing and review by the board of educational examiners.

Costs. In the case of actions brought at the direction of the Health Department, "If the judgment is adverse to the licensee, the costs shall be taxed to him as in ordinary civil actions, but if the state is the unsuccessful party, the costs shall be paid out of any money in the state treasury not otherwise appropriated."¹ If disbarment action against attorneys is undertaken by direction of the court, the costs are paid in the same way as in criminal cases. In the case of revocation of licenses of mine foremen and mine hoisting engineers, the law provides that the costs shall be taxed to the losing party and collected as in other cases. No mention of defrayal of costs is made for the remaining boards.

¹Iowa Code, c.147, sec. 68.

Law Enforcement. Enforcement of the licensing laws, in the sense of inspecting and investigating violations, relative to dentistry, osteopathy, chiropractic, optometry, funeral directing, embalming, chiropody, barbering, cosmetology, and medicine is vested in the State Department of Health. The positions of Department inspector and assistant are established. In addition, the Commissioner of Health, on the request and with the approval of the board of medical examiners, is required to appoint an inspector to aid in the enforcement of the laws dealing with medical doctors.

Enforcement of the pharmacy law is vested in the pharmacy board with the secretary empowered to make inspections of alleged violations. The board of nurse examiners is charged with enforcement of the nursing law. Similarly, specific grants of enforcement authority are given to the boards of architectural, watchmaking, and real estate examiners. The accountancy, court reporters, and engineering boards are given the power indirectly through power to police the professions and revoke licenses.

Either individuals or the courts are empowered to initiate action in the case of violations by attorneys. Enforcement functions under the veterinary medicine statute are vested in the Department of Agriculture.

IV. OTHER DUTIES

In addition to the basic functions, a number of boards have additional duties. Some might be considered to be related to the basic functions, but are additional in the sense that they are duties peculiar to a particular board and don't appear generally in the licensure statutes.

The real estate commission, for example, has assigned to it the function of providing a hearing in cases where licensure applications are denied. It also has an educational function.¹ The funeral director and embalmer board must regulate and approve studentship training--the one year which embalmers and funeral directors must spend in training at mortuary establishments.

The board of medical examiners is empowered to grant special or temporary licenses to resident physicians. The board of chiropractic examiners, although ostensibly under the Department of Health, has the duty of collecting fees and handling the routine clerical work of the board. The same is true of the board of osteopathic examiners. Both boards give their collected fees to the Department.

The board of optometry examiners is required to approve local study group meetings. These must be attended by optometrists in lieu of attendance at an educational meeting conducted by the Iowa Optometric Association. Attendance at one or the other is a condition for renewal of a license.

¹See p. 92.

The cosmetology board licenses schools of cosmetology and it is given authority to revoke school licenses. The barber board is not given express authority to license barber schools, but it is given the power to revoke, suspend, or deny barber school licenses, as well as licenses of shops.

The cosmetology board can issue temporary or "apprentice" licenses to those who graduate from cosmetology schools but have to wait until the next state examination for licensure. The barber board also issues apprentice licenses after completion of the six month barber school course. The license permits the recipient to take the required eighteen months of practical training prior to taking the regular state examination.

The board of pharmacy examiners is given authority to enforce Chapters 203, 204, and 205 of the Iowa code, which ~~cover~~ adulteration and labelling of drugs, narcotics control, and sale of poisons.

The nurse, watchmaking, and educational boards have possibly the broadest grants of all. Nurses are instructed "to elevate the standards of schools of nursing, and to promote the educational and professional standards of nurses and nursing in this state."¹ The watchmaking statute uses identical language--"to elevate the standards of schools of watchmaking, and to promote the educational and professional

¹Iowa Code, c.147, sec. 107.

standards of watchmakers and watchmaking in this state."¹

The board is also empowered to issue apprentice registrations to those sixteen years and over, and to those who fail to pass the regular examinations. The educational board is given power to:

. . . . prescribe types and classes of certificates to be issued, and the subjects and fields and positions which such certificates shall cover and determine the requirements for certificates; establish standards for the acceptance of degrees, credits, courses, and other evidences of training and preparation from institutions of higher learning, junior colleges, normal schools, or other training institutions, both public and private, within or without the state, for the certification of their students.²

V. QUALIFICATIONS FOR LICENSURE

Age of Applicants. Virtually all the laws prescribe a minimum age as a qualification for licensure. Twenty-one years is the age established for fifteen of the professions, eighteen years for four, nineteen years for two, and twenty years for one. There are no age requirements for five licensed occupations.

Citizenship. Iowa licensing laws express varying views on need for citizenship for the practice of a profession. Full citizenship is required only for two professions. Declaration of intent to become a citizen is required for seven. Citizenship is not listed as a basic qualification for engaging in the majority of occupations.

¹Ibid., c.120, sec. 5. ²Ibid., c.257, sec. 10(11).

TABLE 4

MINIMUM AGE REQUIREMENTS OF IOWA
OCCUPATIONAL LICENSING LAWS
1955

Minimum Age for Licensing ^a			
18	19	20	21
Barbering Cosmetology Dental Hygiene Education	Practical Nursing Watchmaking	Registered Nursing	Accountancy Architecture Chiropody Chiropractic Dentistry Embalming Funeral Directing Law Medicine Optometry Osteopathy Pharmacy Real Estate Brokers and Salesmen

^aNo age specified for engineering, hoisting engineering, mine foremen, court reporting, land surveying.

Moral Character. Virtually all the laws require that applicants be of good moral character. The law for court reporters lacks such a requirement, as does the statute relative to mine foremen and hoisting engineers. Real estate brokers and salesmen are required to be "trustworthy."

Training and Experience. Training requirements vary from the need for formal advanced specialized education plus experience, to no education or experience whatever.

A basic high school education is required for most of the licensed occupations: for accountants, optometrists,

TABLE 5

CITIZENSHIP REQUIREMENTS OF IOWA
OCCUPATIONAL LICENSING LAWS
1955

Full Citizenship	Declaration of Intent	None Specified
Embalming Funeral Directing	Accountancy Architecture Barbering Medicine Nursing ^a Real Estate ^b	Cosmetology Chiropractic Chiropody Dentistry Education Engineering Land Surveying Law Mining ^c Optometry Osteopathy Pharmacy Court Reporting ^d Veterinary Medicine Watchmaking

^aPractical and registered nurses.

^bReal estate brokers and salesmen.

^cMine foremen and mine hoisting engineers.

^dThe law, however, does make reference to licensees being citizens of the State of Iowa.

attorneys, chiropodists, osteopaths, teachers, architects, nurses, land surveyors, and chiropractors. In the case of dentists, veterinarians, engineers, and pharmacists a high school education is not listed as a specific requirement. However, the nature of the advanced specialized training required for these professions makes graduation from high school a practical necessity. An eighth grade education or equivalent is required for barbers; tenth grade, for practical nurses; and two years of high school, for dental hygienists.

There are no public schooling requirements for cosmetologists, mine foremen, hoisting engineers, watchmakers, court reporters, and real estate brokers and salesmen.

Medical doctors are required to be graduates of approved medical colleges and to have one year of interneship. Graduates of foreign medical schools can be required to have an additional year of training if the board finds they cannot comprehend the English language or do not have sufficient knowledge of current methods of American and Iowa medical practice, customs and habits.

After September 1, 1955, embalmers and funeral directors are required to have two years of college, junior college, or university work in courses of study approved by the board. In addition, they must complete a course in an approved mortuary school. They must also have one year of experience which takes the form of "studentship" training. In this training, embalmers are required to embalm twenty-five bodies and funeral directors are required to take part in twenty-five funerals. Studentship training for embalmers and funeral directors is allowed to run concurrently.

Pharmacists must be graduates of accredited pharmacy courses and have a year's experience under a licensed pharmacist. Engineers graduated from an approved four-year course and with two years of experience can qualify for licensure without examination. Six years of practical experience may

be substituted for college engineering training, provided the candidate passes the engineering examination. For engineers and land surveyors, each year of a completed engineering course without graduation is equivalent to one year's experience. Graduation from college without majoring in engineering is equivalent to two years' experience. No more than four years' experience can be accumulated on the basis of formal education.

Land surveyors are required to be graduates of approved surveying courses in approved schools or colleges, and to have two years of experience, in which case the examination may be waived. Six years of experience can be substituted, provided the examination is taken.

Architects may be licensed without examination, provided they graduate from an architectural school and have two years' experience. Barbers are required to complete successfully a six months course in an approved barber school. They must then serve an eighteen-month apprenticeship.

Formal training only is required of:

1. Chiropractors, who must be graduates of approved chiropractic colleges;
2. Osteopaths, who must have at least two years of college training at an accredited college and then graduate from an accredited osteopathic college;
3. Optometrists, who must graduate from accredited optometry schools;

4. Cosmetologists, who are required to complete an approved course in a recognized cosmetology school;
5. Dentists, who must be graduates of approved dental schools;
6. Dental hygienists, who must complete training at an approved training school;
7. Architects, who may also qualify by examination provided they complete courses in mathematics, history, and languages prescribed by the board;
8. Registered nurses, who must be graduates of accredited nursing schools; and
9. Veterinarians, who must be graduates of recognized veterinary schools.

Either formal training or experience, or a combination of the two, is required by statute for attorneys, watchmakers, accountants, practical nurses, teaching personnel, and osteopathic surgeons.

Lawyers may have formal law study for three years either in school or in a law office. Watchmakers can have either three years of experience, or one year of experience and one year in a watchmaking school, or two years in school.

An accountant may either be a graduate of a college or university commerce course of at least three years and have one year of experience as a staff accountant, or have three continuous years of experience as a public or staff account-

ant. Having three years of experience as field examiner for the Bureau of Internal Revenue, or as field examiner for the auditing, comptrolling, banking or insurance departments of the state also qualifies accountants.

Practical nurses are required to be graduates of schools for practical nurses, or to complete one year of training at a school for registered nurses. Experience alone can qualify practical nurses if they have two years of practical nursing experience within five years prior to applying for licenses.

Qualifications for teaching personnel range from a college degree for the elementary teaching license, to a Master's degree and "such other . . . special training and experience as the board of educational examiners shall from time to time prescribe."¹ "Special" licenses may be issued for less than the full college degree.

Osteopathic surgeons, in addition to being graduates of accredited osteopathic colleges, must have two years of post-graduate work at an osteopathic school, or have one year in school plus one year of training.

Neither education nor experience is required of mine foremen, mine hoisting engineers, real estate brokers and salesmen, and court reporters.

Examinations. Licensing examinations are either stipulated entirely by statute, prescribed in part and in part left

¹Ibid., c. 260, sec. 9 (3).

to the discretion of boards, or left entirely to the discretion of the boards.

The examination subjects for accountancy, optometry, chiropractic, medicine, and practical nursing are specified in the statutes.

Examination subjects are stated in the law, but the boards are not limited to the subjects, in the case of mine hoisting engineers, mine foremen, embalmers and funeral directors, chiropodists, and registered nurses.

The boards have full discretion in the choice of examination subject matter in the case of osteopaths, osteopathic surgeons, watchmakers, attorneys, barbers, architects, dental hygienists, cosmetologists, court reporters, engineers, land surveyors, pharmacists and real estate brokers and salesmen. In the case of veterinarians, the law stipulates that the examination shall cover veterinary medicine, surgery and dentistry. For dentists, it shall cover the science of dentistry and the practice of dental surgery. The designations are so broad that these boards virtually have full discretion in promulgating the examinations. There is no specific provision for examination of teaching personnel.

The laws designate a variety of types of examination. For accountants and real estate brokers and salesmen, written examinations are prescribed. For mine foremen, mine hoisting engineers, embalmers, and funeral directors the examinations

are written and oral. For engineers, land surveyors, and medical doctors the examinations may be written and/or oral. For cosmetologists and barbers, they must be practical and written or oral. For watchmakers the law prescribes examination in the theoretical and practical aspects of watchmaking. The chiropractic law does not specify the form of examination, but it does call for "clinical demonstrations of vertebral palpation, nerve tracing and adjusting."

For all the others--the boards of nurse, chiropody, optometry, court reporters, dental, mine, veterinary medicine, architecture, osteopathic, pharmacy, and law examiners--no examination form is prescribed by law. It is up to these individual boards--or in the case of law examiners, to the Iowa Supreme Court--to decide whether the examination shall be of written, oral or practical nature, or a combination of the three.

Under Iowa law, licenses of accountants shall be revoked by the Board for specific acts described in the statute. Licenses may be suspended by the Board, however, only for "unprofessional or unethical conduct." The nature of this conduct is described by the Board when its "order of professional conduct." Included in the rules are the following:

1914, ch. 110, Sec. 141
 Iowa Code, Vol. 1, Sec. 141
 1914, ch. 110, Sec. 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

CHAPTER III

USES OF THE RULE-MAKING POWER

The foregoing has described the statutory basis of Iowa occupational licensing boards, their duties, their administrative structures, and the standards for licensure.

However, Iowa law tells only part of the story. Licensing boards have rule-making authority. The power to make rules and regulations makes it possible to fill in the sometimes vague grants of jurisdiction awarded by law. Sometimes the rule-making authority is used sparingly; sometimes under the rule-making power boards have gone significantly beyond the authority granted by law. The following summary indicates uses occupational licensing bodies have made of the rule-making power.

I. BOARD OF ACCOUNTANCY EXAMINERS

Under Iowa law, licenses of accountants shall be revoked by the board for specific acts described in the statute. Licenses may be suspended by the board, however, only for "unprofessional or unethical conduct."¹ The nature of this conduct is described by the board under its "Rules of Professional Conduct."² Included in the rules are the following:

¹Ibid., c.116, sec. 14.

²Iowa Departmental Rules (Des Moines: State of Iowa, 1954), art. VII, sec. 26, pp. 4-5.

No practitioner duly registered with the board of accountancy shall directly solicit the clients or encroach upon the business of another registered practitioner, but it is the right of any practitioner to give proper service and advice to those asking such service or advice.

No practitioner shall directly or indirectly offer employment to an employee of a fellow practitioner duly registered with the board of accountancy without first informing said fellow practitioner of his intent. This rule shall not be construed to prevent negotiations with any one who of his own initiative or in response to public advertisement shall apply to such registered practitioner for employment.

No registered practitioner shall advertise his or her professional attainments or service through the mails, in the public prints, by circular letters or by other written word except that a practitioner may cause to be published in the public prints what is technically known as a card. A card is hereby defined as an advertisement of the name, title (such as C.P.A. or public accountant), class of service, and address of the advertiser, without any further qualifying word or letters, or in the case of announcement of change of address or personnel of firm, the plain statement of the fact for the publishing of which the announcement purports to be made. Cards permitted by this rule when appearing in newspapers shall not exceed two columns in width and three inches in depth; when appearing in magazines, directories, and similar publications, cards shall not exceed one-fourth page in size. This rule shall not be construed to inhibit the proper and professional dissemination of impersonal information or the properly restricted circulation of firm bulletins containing staff personnel and professional information.

Nothing in this rule, or in Rule 8, shall be construed to prohibit the making in the public press or through the mails (or both) of a single announcement, otherwise conforming to the rules of the board, of an individual's or firm's initial opening of a practice office in a city or town.

The mailing by registered practitioners of circulars, letters, pamphlets, or other printed or written matter to persons not clients of such registered practitioners which contain no direct solicitation of employment but which do include the name and a description of the practice and address of such registered practitioner, or the distribution to persons not clients of the registered practitioner, of circulars or pamphlets advertising any business, educational, or social institution, or organization, which

circular or pamphlet contains a card or advertisement of the practice of such registered practitioner, shall be construed as advertising under this rule.¹

All these rules relate to practices which may warrant suspension of accountancy licenses. It is doubtful that they relate to practices that are primarily harmful to the public interest. They appear, rather, to govern practices that are the immediate concern of the accounting profession. The above rules thus appear to give the board considerable added leeway in regulating the practice of accountancy.

II. BOARD OF ARCHITECTURAL EXAMINERS

Iowa law calls for an examination in such "technical and professional subjects"² as shall be prescribed by the board. This examination can be waived if the applicant has graduated from an approved architectural school and has had at least two years' experience. A practical examination only is required of architects who have practiced more than ten years outside the state.³

The board's rules refer to the first type of examination as the "Junior Examination" and to the latter as the "Senior Examination."⁴ Although the junior examination may be waived if the applicant has two years of practical experience in

¹Ibid., sec. 26(8-11).

²Iowa Code, op. cit., c.118, sec. 8.

³Ibid.

⁴Iowa State Board of Architectural Examiners, Annual Report (Des Moines: State of Iowa, 1953), sec. IV(1), p. 18.

addition to a diploma, the board declares applicants "shall have had not less than three years (*italics mine*) diversified practical experience" in order to be eligible for the examination.¹ And although the law specifies only age, citizenship, educational, and experience requirements for admission to the examination, the board's rules declare that "all applicants for the Junior Examinations shall, before final approval for admission to examinations, appear before the Board for Personal Interview."²

The law also states that examination shall be in "technical and professional" subjects.³ One-sixth of the examination prescribed by the board must be a "Personal Audience."

The examination for those with more than ten years' experience is required to be "only a practical examination."⁴ The board's rules, however, assign the following values to the different parts of the "Senior Examination":

Examination J--General Cultural Education, Value 100 points.
 Examination K--Technical Training, Value 100 points.
 Examination L--Record in Practice and Professional Relationships, Value 100 points.
 Examination M--Exhibits and Oral Discussion, Value 300 points.⁵

Applicants are told to appear before the board with complete sets of plans and specifications for at least three

¹Ibid., sec.IV(3-a), p. 19.

²Ibid., sec.XV(3-c).

³Iowa Code, op. cit., c.118, sec. 8. ⁴Ibid.

⁵Iowa State Board of Architectural Examiners, op. cit., sec.IV(6), p. 19.

different examples of candidate's executed work, plus any sketches or photographs desired.¹

Fully one-half the "Senior Examination" thus appears to consist of elements other than a "practical examination." The board's rules fail to acknowledge the waiver of examinations provided for in the law. They require, rather, a higher level of experience for the examination than is required under the law for exemption from examination. The rules also appear to require the board to assess matters, and require applicants to follow procedures, not contemplated in the statutes.

III. BOARD OF BARBER EXAMINERS

Barber schools are required to be licensed by the State Department of Health. However, power to suspend, revoke, or deny renewal is vested in the board of examiners.² The schools must also be "approved" by the board for graduates to be eligible for examination and licensure.³

Approval of schools gives the board wide latitude in establishing educational standards for barber applicants. The only requirement established by law is that applicants have "a six months course both of theory and practice."⁴ Accordingly, the board has ruled that schools "shall conduct a course

¹Ibid.

²Iowa Code, op. cit., c.158, sec. 11.

³Ibid., sec. 4.

⁴Ibid.

of study of at least 1,248 hours." The course of study is broken down into 962 hours of supervised practical instruction, including courses such as scalp care, shampooing, honing and stropping, facials, and 260 hours of demonstrations and lectures, which include law, ethics, economics and the history of barbering.¹

The rules extend in effect to licensure of owners, managers and instructors:

An owner, manager or instructor of a school of barbering, approved by the Iowa Board of Barber Examiners, shall be registered with the Iowa State Department of Health as an instructor in barbering or shall pass a satisfactory instructor's examination given by said board. To qualify for an instructor's examination applicant shall submit to the board satisfactory evidence as to character and ability to operate a school of barbering; shall be a high school graduate and be the holder of an Iowa license to practice barbering for either a five-year period immediately prior to the application, or have six months' experience as an assistant instructor immediately prior to the application.²

The rules also extend to the detailed operations of schools: equipment, attendance, records, content of libraries. Libraries are required to contain, among other volumes, books on civic sociology, salesmanship, business efficiency, building citizenship, elementary economics, and ethics.³

It is clear that the power to approve schools of barbering gives the board of barber examiners extensive authority over the schools and the qualifications of barbers.

¹I.D.R., op. cit., p. 171.

²Ibid., "Owner, Manager and Instructors' Qualification," p. 171.

³Ibid., "Teaching Staff," p. 172.

IV. BOARD OF CHIROPODY EXAMINERS

Applicants are required to pass an examination in a list of subjects specified by law and others as prescribed by the board of examiners.¹ The board is authorized by law to make rules for "the conducting . . . the grading of examinations and passing upon the technical qualifications of applicants as shown by such examinations."²

The board's rules declare that "the handwriting of the candidate must be legible; proper punctuation and the use of capital letters and general appearance of examination papers will be considered in marking answers."³

The rules also state that "there shall be assigned a time and place to each candidate for the purpose of being given an oral examination by the board of examiners in the following subjects: personal history, ethics, theory in practice."⁴

Thus, although the board is authorized to pass on technical qualifications, it makes penmanship and grammar a part of the examination. It likewise includes "personal history" and "ethics" in the examination.

The board also requires that "all applicants for licensure must be citizens of the United States or have taken out

¹Iowa Code, op. cit., c.149, sec. 3(3).

²Ibid., c.147, sec. 36.

³I.D.R., op. cit., pt. I, sec. 11, p. 174.

⁴Ibid., sec. 13.

first naturalization papers."¹ The Iowa statutes contain no citizenship requirement for chiropodists.

The rule-making authority of the board relative to reciprocal relations is authorized by law to consist of rules requiring applicants to:

1. Furnish satisfactory proof to the (health) department that he (the applicant) has been actively engaged in the practice of his profession for a certain period of years to be fixed by (the) examining board.
2. Pass a practical examination in the practice of his particular profession as prescribed by (the) examining board.²

The rules of the chiropody board, however, state that "no license by reciprocal agreement shall be granted to an applicant unless he can furnish satisfactory evidence of membership in good standing in his state and national associations."³

V. BOARD OF CHIROPRACTIC EXAMINERS

Iowa law gives the chiropractic board authority to approve colleges of chiropractic. The State Health Department prepares and maintains the list of accredited institutions, but the board

. . . shall make recommendations relative thereto and shall approve the list No such school shall be accredited by the department unless it has been so recommended and approved by the board together with the commissioner of health.⁴

¹Ibid., sec. 18, p. 175.

²Iowa Code, op. cit., c.147, sec. 47.

³I.D.R., op. cit., pt. II, sec. 8, p. 175.

⁴Iowa Code, op. cit., c.147, sec. 32.

The chiropractic board's rules state virtually no standards for approval.¹ Unlike the boards for nursing, cosmetology, and barbering, which go into minute detail on requirements of schools, chiropractic rules contain only a single section on standards for approved schools. The section refers to only one aspect of the schools: the regulation of their student clinics. On this single aspect the rules are detailed and complete. But there exist no other formally stated standards for approval of chiropractic schools in the rules of the board.

VI. BOARD OF COSMETOLOGY EXAMINERS

Applications for cosmetology school licenses are submitted to the board and are issued by the State Health Department upon approval of the board.² An applicant for licensure as a cosmetologist in Iowa must be a graduate from a cosmetology school approved by the board.³

Under its rule-making power the board has declared that "the course of study in an accredited school shall consist of no less than 2,100 hours training, and no school will be approved by the board until it meets the requirements of study."⁴ The curriculum as prescribed by the board consists of the following:

- (1) Shampooing (theory and practical class theory),
- (2) history of marcelling, (3) facial massage (theory and

¹I.D.R., op. cit., Rules 1-13, p. 175.

²Iowa Code, op. cit., c.157, sec. 9.

³Ibid., sec. 4. ⁴I.D.R., op. cit., Rule 1, sec. D, p.176.

practical class theory), (4) electrical devices (theory and practical class theory), (5) anatomy and scalp treatment (theory and practical class theory), (6) manicuring and hand and arm manipulation (theory and practical class theory), (7) manicuring (practical), (8) hair tinting, coloring and bleaching (practical), (9) permanent waving (theory and practical class theory), (10) permanent waving (practical), (11) finger waving and hairdressing (practical class theory), (12) finger waving and hairdressing (practical), (13) hair-cutting and shaping (practical class theory), (14) haircutting and shaping (practical), (15) sanitation and use of antiseptics (practical), (16) written and oral tests on work, (17) Iowa law, (18) business management and salesmanship, (19) more than 100 hours left to the discretion of the school.¹

In addition to prescribing the curriculum, the board establishes standards for faculty. The board's rules declare:

"Instructors in approved schools of cosmetology, in addition to being licensed in this state as cosmetologists, shall be required to have at least two years of high school and have completed an 18 week or 864 hours teacher's training course or one year's experience in the private practice of cosmetology."²

Iowa law requires only that applicants be graduates of approved cosmetology schools and pass the required examination

¹Ibid.

²Ibid., Rule 3, sec. A, pp. 176-177.

to be eligible for licensure. Under the board's rules, however, "effective January 1, 1953, all students enrolling in a cosmetology school must have two years high school training before being eligible for the Iowa cosmetology examination."¹

Apparently out-of-state training is not considered equivalent to training in Iowa schools. The board's rules proclaim:

All out-of-state applicants making application for the Iowa state board examination must be licensed in the state in which they received their training and they will be given credit for the number of hours required by their state at the time they took their training. The balance of the training must be taken in an approved Iowa Cosmetology school. Even though the applicant has had more hours training than was required by their state, they will be given credit in Iowa only for the number of hours required by that state.²

It is apparent that the Iowa board of cosmetology examiners makes liberal use of its rule-making power. It prescribes in great detail the operations of schools and standards for faculty. In the process it exercises great influence on every aspect of training for entrance to the profession--including requirements for entrance to the schools themselves.

VII. BOARD OF EXAMINERS FOR COURT REPORTERS

The only statutory qualification for court reporters is that they be "found competent to report court proceedings . . .

¹Ibid., Rule 4, sec. L, p. 177.

²Ibid., Rule 8, sec. K, p. 178

by the board of examiners."¹

The board's rules require that in order to be eligible for examination,

Applicants for examination shall make written application on a form to be approved by the board of examiners Such application must be accompanied by a certificate of good moral character, signed by two persons, one of whom shall be a member of the Supreme Court or a judge of the District Court of Iowa and one a certified shorthand reporter; except when the applicant is not a citizen of Iowa such certificate of good moral character shall be signed by two reputable persons, one of whom shall be a judge of a court of record.²

The board thus requires a voucher from court personnel before a court reporter is eligible for practice in Iowa.

VIII. BOARD OF DENTAL EXAMINERS

Under Iowa law, the application for examination for licensure shall be made to the State Department of Health "on a form provided by the department All applications shall be in accordance with the rules of the department . . ."³

It is the rules of the board, however, that determine the form of the application. A dentist's application shall contain:

1. Sworn statements as to name, birthplace, age, residence, high school training and college degrees.
2. Declaration as to previous registration or examinations.

¹Iowa Code, op. cit., c.115, sec. 44.

²Iowa State Board of Examiners for Court Reporters, Rules of the Board of Examiners (Des Moines: State of Iowa, 1946), Rule 4.

³Iowa Code, c.147, sec. 29.

3. Recommendation by three registered dentists authorized to practice in Iowa, or, if that is impossible, by three members of the American Dental Association in good standing.
4. Identified recent picture and citizenship papers of applicant attached to, and forming a part of, the application.
5. Photostatic copy of dental college diploma.¹

For dental hygienists the rules require the application to contain:

1. Sworn statement setting out name, birthplace, citizenship papers, high school and secondary school education, time and place of studying dental hygiene, date of dental hygiene diploma, name and location of the school issuing the same.
2. Recommendation, signed by three persons, who vouch for applicant as a person of high moral character and worthy of professional recognition; one of the signers must be licensed to practice in Iowa, if possible, but in any event, must be a member of the American Dental Association.
3. Declaration as to previous registration or examinations.
4. Recent photo attached, and made part of, the application.²

The requirement of citizenship papers is further backed by another rule, which states: "United States citizenship is required of all applicants who take the examinations of the Iowa State Board of Dental Examiners."³ This full U. S. citizenship is required, although nowhere in the Iowa statutes is citizenship listed as a qualification for prospective dentists

¹I.D.R., op. cit., Rule 7, sec. A, p. 181.

²Ibid., sec. C.

³Ibid., Rule 25, p. 185.

or dental hygienists.

The examination for dentists is described by law as "in the science of dentistry and the practice of dental surgery."¹ The particular subjects to be included in the examination are left to the discretion of the board. The rules stipulate a long list of technical subjects related to the science of dentistry and practice of dental surgery. Subjects also included, however, are "ethics and economics."²

The board, through its rule-making power, thus prescribes the form of the application, enforces a citizenship requirement, and appears to extend the nature of the examination to include non-scientific subject matter.

IX. BOARD OF EDUCATIONAL EXAMINERS

The board of educational examiners, as previously noted, has one of the broadest grants of authority in Iowa licensure. It is given express power to:

. . . prescribe types and classes of certificates to be issued, the subjects and fields and positions which such certificates shall cover and determine the requirements for certificates; establish standards for the acceptance of degrees, credits, courses, and other evidences of training and preparation from institutions of higher learning, junior colleges, normal schools, or other training institutions, both public and private, within or without the state, for the certification of their students.³

Under this power the board has established complete and

¹Iowa Code, op. cit., c.153, sec. 3(2).

²I.D.R., op. cit., Rule 11, sec. 6.

³Iowa Code, c.257, sec. 10(11).

detailed licensure standards.¹ It has prescribed five types of teaching licenses and established requirements for each. The "permanent professional certificate" goes to those with thirty semester hours of preparation beyond the baccalaureate degree and with four years' teaching experience. The "professional certificate" is issued to those with four years of college training. The "pre-professional certificate" requires two years of college. The "substitute certificate" is issued to former holders of teaching licenses. "Temporary certificates" may be issued to those with fifty semester hours of college training, and to others under certain specified circumstances.² In addition, the rules cover conditions for renewal of licenses, standards for approval of schools and training programs, and requirements for various types of teaching positions.³

Another chapter of the Iowa Code, however, takes a different view of the teaching certificates that shall be issued in Iowa.⁴ It classes them as "elementary," "secondary," "administrative and supervisory," "special," "emergency," and "substitute."⁵ These in turn are divided into eight

¹Iowa State Department of Public Instruction, Certification and Approval of School Personnel (Bulletin 31) (Des Moines: State of Iowa, June, 1954).

²Ibid., c.II, pp. 11-13. ³Ibid., cc.I, III-VII.

⁴Iowa Code, op. cit., c.260.

⁵Ibid., sec. 6.

classifications and specific standards are set out for each certificate.

The grant of authority under which the board set up its list of certificates was issued by the Iowa Fifty-fifth General Assembly as part of legislation overhauling the state board of public instruction. This legislation repealed numerous sections of the code, including one in the chapter that lists the various types of certificates that have been superceded by the board's new classification system.¹ These sections have still not been repealed by the Iowa legislature.

The board has not attempted as yet to increase formal training requirements beyond those originally required by the legislature for the same general type of certificate. However, the board has stated that "later, it is anticipated that the standards for issuance of original certificates may be increased to a minimum of four years of college preparation."²

It is noteworthy that the Fifty-fifth Iowa General Assembly rejected the minimum requirement of four years of college for a teaching license. It is maintained by the board that this same General Assembly gave it authority to institute what the Assembly had previously rejected.

The effect of the board's interpretation that it has complete authority to establish teacher qualifications is to

¹Ibid., sec. 4.

²State Department of Public Instruction, op. cit., p. 3.

give it extremely broad rule-making power in the area of teacher licensure.

X. BOARD OF ENGINEERING EXAMINERS

Iowa law states the "minimum" qualifications for licensure of engineers and land surveyors. It declares that professional engineers and land surveyors need only be graduates of approved schools and have two years' experience to be licensed without an examination.¹ Those without the formal training but with a prescribed number of years of practical experience are to be licensed by "successfully passing a written, or written and oral, examination designed to show knowledge and skill approximating that attained through graduation from an approved four-year engineering course"² in the case of engineers, and by "successfully passing a written, or written and oral, examination prescribed by the board" in the case of land surveyors.³

Under the board's rules, there is no automatic exemption from examination for engineers who meet the above educational requirements. The board declares:

At each examination, one day shall be devoted to questions on fundamentals in all branches of engineering and one day shall be devoted to examination on professional subjects. An applicant who qualifies (under 1-a or 2-a Section 114.14 of the Code) and who has had ten or more

¹Iowa Code, op. cit., c.114, sec. 14 (1-a, 2-a).

²Ibid., sec. 14 (1-b).

³Ibid., sec. 14 (2-b).

years of qualifying experience may, upon his written request, be excused from taking the written fundamentals examination. If he is excused, he will be required to appear for a thorough oral examination. His performance on this oral examination will be graded carefully and this grade will be used to help determine his final average.¹

The rules contain a lengthy list of the subjects to be included in the fundamental examination, among which are "professional practice and professional ethics."²

In arriving at the examination grade for engineers, the rules state:

The final rating of an applicant shall be determined by the following:

Personality, having to do with character, evidence of a general engineering interest and executive ability; 10 per cent of total rating.

Experience (nature and extent); 15 per cent of total rating.

Written examination in fundamentals; 35 per cent of total rating. (Oral examination in fundamentals, 30 per cent, and 20 per cent on engineering experience, personality, character and executive ability when oral examination is taken.)

Examination in principles of good practice, consisting of a certain number of questions in writing, depending upon the branch of engineering taken; 40 per cent of total rating with written fundamental examination and 50 per cent of total rating when oral fundamental examination is given.

The candidate must make a grade of at least 60 per cent on this portion of the examination.

A final rating of 70 per cent shall be considered a passing grade.³

In the case of land surveyors,

All applicants for examination in land surveying will have to meet the requirement of two days of written ex-

¹I.D.R., op. cit., Rule 1 (c), p. 104.

²Ibid., Rule 1 (d).

³Ibid., Rule 1 (g), pp. 104-105.

aminations. This will consist of one day of fundamentals and one day of land surveying practice. Those who have passed the fundamental portion of the examination for professional engineer will not be required to take the land surveying fundamentals. (Read rule 1 (c) for exception)."¹

Rule 1 (c) refers to conditions under which an applicant may be exempt from the written fundamental examination, in which case he must take a "thorough oral examination." Among the stated conditions are meeting the requirements set out in chapter 114, section 14 (2-a) of the code plus having ten or more years of qualifying experience.² One of the skills land surveyors are required to demonstrate upon examination is familiarity "with the ethics of the engineering profession."³

In addition to examinations for professional engineers and land surveyors, the board offers examinations to college seniors.

Examinations may be taken during or shortly after the final term at convenient times to be fixed by the board. These fundamental examinations are designed primarily to accomodate students in Iowa engineering colleges and Iowa residents attending other engineering colleges.

Appropriate certificates will be issued to those successfully passing the examinations. Such certificates will not be construed as licenses to practice, but will be evidence of qualification as 'Engineer in Training'. The holder, upon showing that requirements as to experience and training have been met, will be eligible to complete his professional registration by final examination.

The regular examination fee of \$15, will be due at the time of this preliminary examination.⁴

¹Iowa State Board of Engineering Examiners, "Amended Rules," 1954, Office of Secretary of State, Des Moines.

²I.D.R., op. cit., Rule 1 (c), p. 104.

³Ibid., Rule 6 (c).

⁴Ibid., Rule 9

It is evident from the above that the board requires some type of examination from all applicants regardless of education, although the law provides for examination specifically only in the case of those without the requisite formal training. Licensure under the law may be granted engineers and land surveyors if they graduate from approved schools and have two years of experience; the board has substituted ten years of experience, and even in these cases the board will grant exemption only from the written fundamental examination and require an oral examination instead. While the examination for engineers prescribed by law is supposed to show "knowledge and skill," the board includes such matters as "personality," "character," and "executive ability." Moreover, the "Engineer in Training" examination and certificate are not provided for in law, nor is the \$15 examination fee.

The board has also instituted through its rules a "Code of Ethics." It has done it because:

Whereas, Section 114.14, Code of Iowa, 1950, provides that

'no person shall be eligible for registration as a professional engineer, or land surveyor, who is not of good character and reputation.' Therefore, to give effect to the above clause the board submits this Code of Ethics for the guidance of practicing engineers.

It shall be considered unprofessional and inconsistent with honorable and dignified bearing for any professional engineer or surveyor:

1. To act for his clients in professional matters otherwise than as a faithful agent or trustee, or to accept any remuneration other than his stated charges for services rendered his clients.
2. To attempt to injure falsely or maliciously, directly or indirectly, the professional reputation, prospects or business of another engineer or surveyor.
3. To attempt to supplant another engineer or surveyor after definite steps have been taken towards his employment.
4. To compete with another engineer or surveyor for employment by use of unethical methods.
5. To review the work of another engineer or surveyor for the same client, except with the knowledge or consent of such engineer or surveyor, or unless the connection of such engineer or surveyor with the work has been terminated.
6. To advertise in self-laudatory language, or in any other manner derogatory to the dignity of the profession.¹

The board, thus, has defined "unprofessional conduct", although the phrase appears nowhere in the statute. It may be argued that a number of clauses in the code of ethics appear to be in the interests of the profession primarily rather than in the general public interest.

XI. BOARD OF FUNERAL DIRECTOR AND EMBALMER EXAMINERS

Iowa law requires funeral directors and embalmers to take the licensure examination after completion of college and mortuary school training.² Prior to taking the examination,

¹ Ibid., Rule 10.

² Iowa Code, op. cit., c.156, sec. 3.

applicants must register with the board. The law states:

The board of funeral director and embalmer examiners shall, by rule approved by the state department of health, provide for studentships in funeral directing and embalming, and shall regulate the registration and training thereof; and no applicant shall be eligible to take the funeral directors' or embalmers' examinations who has not first been legally registered as a student. For such registration a fee of five dollars shall be collected from the applicant for each license.¹

The board's rules state:

Any person desiring to enter either the funeral directing or embalming profession shall be required to appear before the board of funeral directors and embalming examiners for a personal interview and registration prior to entering a college of mortuary science approved by the Iowa state board of funeral directors and embalming examiners. This interview to take place at a regular board meeting at the offices of the state department of health in Des Moines. After the applicant has been approved by the board and the required registration fee of \$5 has been paid to the state department of health, a certificate of registration will be issued to the applicant.²

The board thus passes on applicants before they enter the profession. The board's rules make registration an initial step in the licensing process that enables the board to state who may and who may not enter the profession.

Iowa law vests the establishment of reciprocal relations for funeral directors and embalmers in the State Department of Health.³ Further, it places limits on the conditions the board may attach by rule to the establishment of reciprocal

¹Ibid., sec. 8. Registration as a student is distinct from registration for studentship, which is an apprenticeship.

²I.D.R., op. cit., pt. 5, sec. A(1), p. 189.

³Iowa Code, op. cit., c.147, sec. 44.

relations. One of these conditions is that applicants must "pass a practical examination in the practice of his profession as prescribed by such examining board." The other relates to the number of years of experience an applicant must have.¹

The board's rules, however, provide that "all applicants for reciprocal licenses will be required to pass the oral and practical examination before this board."² They state also that each "applicant will also be required to give good sufficient reasons for desiring license by reciprocity."³

The board has also adopted, and included as part of its rules, a code of ethics for Iowa funeral directors and embalmers. The following code was adopted by the board, meeting in executive session June 26, 1953:

1. An Iowa embalmer upon receipt of his certificates to practice funeral directing and embalming, becomes obligated to maintain the honor and dignity of the profession. He should therefore hold himself above reproach at all times and observe strictly the laws of the state governing the practice of funeral directing and embalming and any and all rules promulgated by the board of funeral directors and embalmers examiners in their endeavor to elevate the profession to a higher plane.
2. As funeral directors and embalmers, we herewith fully acknowledge our individual and collective obligations to the public, especially to those we serve, and our mutual responsibilities for the proper welfare of the funeral service profession.
3. To the public we pledge: Vigilant support of public health laws; proper legal regulations for the members of our profession; devotion to high moral

¹Ibid., sec. 47.

²I.D.R., op. cit., pt. 5, sec. 3(2), p. 191.

³Ibid., sec. D(5).

and service standards; conduct befitting good citizens; honesty in all offerings of service and merchandise, and in all business transactions.

4. To those we serve, we pledge: Confidential business and professional relationships; cooperation with the customs of all religions and creeds; observance of all respect due the deceased; high standards of competence and dignity in the conduct of all services; truthful representation of all services and merchandise.
5. To our profession we pledge: Support of high educational standards and proper licensing laws; encouragement of scientific research; adherence to sound business practices; adoption of proper techniques; observance of all rules of fair competition; to refrain from price advertising, maintenance of favorable personal relations.¹

The board's code of ethics with the exception of the introductory first section, which appears in neither the code of ethics of the National Funeral Directors' Association nor the code of the Iowa Funeral Directors and Embalmers Association, is otherwise virtually identical with them. The sole differences between the National Funeral Directors ethics code and the board's code are the words "improved" and "personnel" in the final section. The board's code of ethics refers to "adoption of proper techniques;" the National Association prefers "adoption of improved techniques." The Iowa board's code refers to "maintenance of favorable personal relations;" the national code has it "maintenance of favorable personnel relations."² The code of ethics of the Iowa Funeral Directors

¹Ibid., sec. F.

²National Funeral Directors' Association of the United States, Inc., Proceedings of the Seventy-first Annual Convention (Minneapolis: 1952), art. IV, p. 1.

and Embalmers Association has it "improved" techniques, but favorable "personal" relations.¹

The "Manual of Professional Practice" of the Iowa Funeral Directors and Embalmers Association, adopted in conjunction with the ethics code, makes it clear that all members are obliged to abide by the rules of the board of examiners, which include the Association's own code of ethics. The "manual" states:

The State Board of Embalmer Examiners is established by law to regulate the practice of embalming and funeral directing in a manner that will best serve the public health and welfare. The rules and regulations of this board are as binding as the law itself. Respect for the licensing authority and conformity with its rules and regulations is not only a legal requirement but is an essential aspect of professional practice.²

The board through its rule-making power has thus instituted a code of ethics for the profession. The wording of the first section makes the code mandatory, and thereby pledges the profession to such things as refraining from price advertising, observing rules of "fair competition," supporting high educational standards and "proper" licensing laws, and looking out for the "proper welfare of the funeral service profession."³

¹Iowa Funeral Directors and Embalmers Association, Articles-By-Laws-Code of Ethics, (Des Moines: Iowa Funeral Directors and Embalmers Association, n.d.), p. 9.

²Ibid., Part II, sec. 5(1), p. 12.

³I.D.R., op. cit., Part 5, sec. F, p. 191.

XII. BOARD OF LAW EXAMINERS

Under Iowa law, rules for admission to the bar are prescribed by the Iowa Supreme Court. They are administered by the board of examiners. The rules are required to be "not inconsistent" with the chapter on admission of applicants.¹ The chapter sets out these general requirements for admission of applicants: (1) twenty-one years of age, (2) good moral character, (3) inhabitants of the state, (4) complete a three-year course of study of the law either in a law office or law school,² (5) pass an examination.³ Examination fees are five dollars. Attorneys from out-of-state must pay ten dollars.⁴ They may be permitted to practice without examination on proof of meeting Iowa qualifications and having practiced law for not less than a year in the state in which they were admitted to practice.⁵

Under the rules for admission to the Iowa bar, an applicant must also be "a citizen of the United States."⁶ Training in a law office is not considered adequate. "No person shall be permitted to take the examination for admission," state the rules, "without proof that he has received the degree of L.L.B. or J.D. from a reputable law school."⁷ In addition to the fees required by law, "every applicant for ad-

¹Iowa Code, op. cit., c.610, sec. 12.

²Ibid., sec. 2. ³Ibid., sec. 3. ⁴Ibid., sec. 8.

⁵Ibid., sec. 10. ⁶Ibid., Rule 101, p. 2471.

⁷Ibid., Rule 106, p. 2472.

mission to the bar upon examination shall, as part of his application, remit to the clerk of the supreme court an investigation fee in the amount of twenty dollars."¹ For attorneys from other states, "such applicant shall pay to the clerk of the supreme court at the time of filing application, an investigation fee in the amount of ninety dollars, no part of said fee to be refunded to any applicant."² He must also establish "that he has practiced law five full years under license in such jurisdiction within the seven years immediately preceding the date of his application."³

In all of these respects, rules for admission to the bar differ from the requirements in the statute. However, it should be recognized that power to admit attorneys to practice is vested by law exclusively in the body that makes the rules--the Supreme Court.

XIII. BOARD OF MEDICAL EXAMINERS

The Medical Practice Act was extensively revised in 1953. To date, however, the board has not revised its rules to conform to the new wording of the statute. It has not been possible to analyze the rules of the board in light of the law under which it operates.

XIV. BOARD OF MINE EXAMINERS

The board of mine examiners, according to Iowa law,

¹Ibid., Rule 114, p. 2473.

²Ibid., Rule 115.

³Ibid.

"shall prescribe and adopt such rules and regulations therefore as may be reasonably necessary"¹ for conducting examinations of mine hoisting engineers and mine foremen.

Despite this provision, the board of mine examiners has no formal rules relative to the licensure of mine hoisting engineers and mine foremen.

XV. BOARD OF NURSE EXAMINERS

The board has broad authority under law "to administer and enforce the laws relating to the practice of nursing, to elevate the standards of schools of nursing and to promote the educational and professional standards of nurses and nursing in this state."² It is also empowered to approve schools of nursing for registered nurses and practical nurses, in addition to conducting examinations for the purpose of licensure.³

The board's rules, however, relate to only a single aspect of its assigned duties: approval of schools of nursing. The rules are solely detailed statements of standards that schools must meet to be recognized by the board. They fill seventeen closely printed pages of Iowa Departmental Rules.

The board's power to approve schools of nursing is coupled with the statutory requirement that schools for regis-

¹Ibid., c.82, sec. 4.

²Ibid., c.147, sec. 107.

³Ibid., c.152, sec. 3.

tered nurses must be affiliated with a hospital and require for graduation the completion of at least a three year course of study in subjects prescribed by the board.¹

This framework has been enlarged by the board by way of detailed requirements for schools, which range from specifications on patient loads and medical services to nursing service personnel, auxiliary personnel, clinical facilities, finances, faculty, curriculum, class hours, physical school facilities, libraries, offices, records, and reports.²

The acceptable school must be dedicated to a purpose: "To select young persons with aptitude for nursing and help them to develop that aptitude in preparing themselves to give the best nursing service of which they are capable in the field of general nursing in an evolving democratic society, while achieving an optimum of self-realization."³

The rules prescribe the number, the duties and basic qualifications of the faculty. No one may be a faculty member in an Iowa nursing school under the rules who cannot meet the following requirements:

Graduation from an accredited school of nursing, registration in Iowa, eligibility for matriculation in college, ability to give expert nursing care, acceptable personal qualities, cognizance of an ability to fulfill her professional responsibilities as a nurse and as a citizen, prerequisite experience for the position, and specialized preparation in her field of work. All nurse members of the faculty shall maintain membership in their

¹Ibid., sec. 4. ²I.D.R., op. cit., pp. 230-243.

³Ibid., pt. 3, sec. I, p. 233.

professional organizations, the State Nurses Association and League of Nursing Education.¹

The policies of the nursing school toward faculty personnel are required to "be in line with the recommendations of the Iowa State Nurse Association."²

State law requires graduation from high school for registered nurses.³ In setting up entrance requirements for admission to accredited nursing schools, the board's rules declare:

The National League of Nursing Education pre-nursing tests shall be administered as selective aids The upper third or half of the graduating (high school) class if preferable. Students ranking in the lower third of their high school class are not eligible without pursuance of further study (successfully completing a full college program for at least one year) or favorable results on the National League of Education pre-nursing tests.⁴

The board also requires that the board approve entrance to the nursing schools. Its rules declare:

Two certificates of high school credit for each applicant must be submitted on the form of the Iowa State Board of Education or the National League of Nursing Education form, signed by the principal or superintendent. These certificates with credential card, results of the National League of Education Pre-nursing and Guidance tests on special form, and birth certificate shall be sent to the board of nurse examiners. If credentials are satisfactory (italics mine), a Certificate of Preliminary Education is issued to the student. A student may not be admitted to a school of nursing until the qualifying certificate is presented (italics mine).⁵

¹Ibid., sec. IV (E), p. 234.

²Ibid.

³Iowa Code, op. cit., c.152, sec. 3.

⁴I.D.R., op. cit., pt. 3, sec. V (B).

⁵Ibid.

The rules governing standards for approval of schools for practical nurses also go into great detail. Prospective student records must be submitted and prior approval of the board must also be obtained before an applicant for a practical nursing school can be admitted to the school.¹

It is apparent that the board has great influence over the make-up of faculty, their organizational affiliations, and school curriculum. In addition to passing on the qualifications of nurses at the time of licensure, the board has assumed responsibility for approval at the time of entrance to the nursing schools. In the process, in the case of registered nurses, it has increased the requirement of graduation from high school, to either graduation with a specified rank in the graduating class or to showing favorable results on the pre-nursing tests of the National League of Nursing Education.

XVI. BOARD OF OPTOMETRY EXAMINERS

Iowa law lists ten grounds for which optometry licenses may be suspended or revoked. Two of these grounds are accorded special attention in the board's rules. One of them is "use of untruthful or improbable statements in advertisements."² The other is "immoral, unprofessional, or dishonorable conduct."³ "Unprofessional conduct" is further defined in the statute, which states it "shall consist of the following acts."⁴

¹Ibid., pp. 243-246.

²Iowa Code, op. cit., c.147, sec. 55.

³Ibid.

⁴Ibid., sec. 56.

Appearing in the board's rules is the following resolution:

The Iowa State Board of Optometry Examiners, for the purpose of elevating the standards for practice of optometry in the State of Iowa, to the end that the public may thereby be protected from exploitation, do hereby adopt, enact, promulgate and cause to be published this resolution defining the words 'unprofessional conduct' and the words 'untruthful or improbable statements in advertisements' as used in paragraphs 3 and 7 of Section 147.55, Code of Iowa, 1946:

The following are deemed to constitute unprofessional conduct and/or untruthful or improbable statements in advertising:

1. Soliciting patients directly or indirectly, individually or collectively, through the guise of groups, institutions or organizations.
2. Employing solicitors, publicity agents, entertainers, lecturers, or any mechanical or electronic, visual or auditory device for the solicitation of patronage.
3. Advertising professional superiority, or the performance of professional services in a superior manner.
4. Any advertising or conduct of a character tending to deceive or mislead the public.
5. Advertising one or more types of service to imply superiority or lower fees.
6. Holding one's self forth to the public under the name of any corporation, company, institution, clinic, association, parlor, or any other name than the name of the optometrist.
7. Holding one's self forth as possessed of or utilizing exclusive methods of practice or peculiar styles of service.
8. Displaying certificates, diplomas or similar documents unless the same have been earned by the optometrist.
9. Guaranteeing or warranting the results of professional services.

10. Advertising of any character which includes or contains any fee whatsoever, or any reference thereto, or any reference to the cost to the patient whether related to the examination or the cost fee for lenses, glasses, frames, mountings, or any other optometric services, article or device necessary for the patient.
11. Offering free examinations or other gratuitous services, bonuses, premiums, discounts, or any other inducements.
12. Permitting the display of his name in any city, commercial, telephone or other public directory, in the lobby of public halls in an office or public building using any type which is in any way different from the standard size, shape or color of the type regularly used in such mediums.
13. Permitting his name to be put in any public directory under a heading other than "Optometrist."
14. Printing professional cards, billheads, letterheads, and stationery with illustration or printed materials other than his name, title, address, telephone number, office hours and specialty, if any.
15. Displaying large, glaring or flickering signs or any sign or depiction containing as a part thereof the representation of an eye, eye glasses, spectacles, or any portion of the human head.
16. Using large lettering or other devices or unusual depictions upon the office doors or windows.
17. Accepting employment as a professional optometrist if such professional services are to be offered to the general public.
18. As a guide and standard for the proper conduct of the practice and practitioners of optometry in Iowa, this Board adopts the Code of Ethics and Rules of Conduct of the American and Iowa Optometric Associations.

The foregoing resolutions approved and adopted by the Iowa State Board of Optometry Examiners this 13th day of October, 1948, shall be effective upon approval by the State Commissioner of Public Health and upon publication, which shall not be later than thirty days after said approval.¹

¹I.D.R., op. cit., pt. IV, pp. 196-197.

The board thus has undertaken to proscribe "unprofessional conduct" although unprofessional conduct has already been defined in the statute. It is apparent, moreover, that sixteen of the seventeen advertising and professional practices prohibited by the board are word for word from the rules of conduct of the Iowa Optometric Association.¹ The board, furthermore, has made binding on all licensed optometrists the full codes of ethics and rules of conduct of the state and national private professional organizations in the field.

The rules of conduct of the Iowa Optometric Association contain the following strictures:

An optometrist should be an upright man
 Patience and delicacy should characterize all the acts of an optometrist It is unethical for optometrists to enter into contracts which impose conditions that make it impossible to deal fairly with the public or fellow practitioners in the locality An optometrist should associate himself with optometric societies.²

Enforcement of the law relative to optometrists is vested in the State Department of Health, which handles violations through the courts.³ The rules of conduct for optometrists, however, state the following:

An optometrist should expose without fear or favor, before the proper optometric tribunals, corrupt or dishonest conduct of members of the profession. All questions affecting

¹Iowa Optometric Association, Articles of Incorporation, By-Laws (Des Moines: Iowa Optometetric Association, Iowa Optometric Foundation, 1955), art. XVI, sec. B(3-c), pp. 33-34.

²Ibid., sec. B(1-d, 2-a, 2-g, 3-b), pp. 31-33.

³Iowa Code, op. cit., c.147, sec. 87.

the professional reputation or standing of a member or members of the optometric profession should be considered only before proper optometric tribunals in executive session or by special or duly appointed committees on ethical relations.¹

Other rules govern the conduct of optometrists toward each other:

The optometrist, in his relations with a patient under the care of another optometrist, should observe the strictest caution and reserve; should give no derogatory hints relative to the nature and care of the patient's disorder; nor should the course of conduct of the optometrist directly or indirectly tend to diminish the trust reposed in the attending optometrist When an optometrist succeeds another optometrist in the charge of a case, he should not make comments on or insinuations regarding the practice of the one who preceded him When an optometrist is requested by a colleague to care for a patient during his temporary absence the patient should be returned to the care of the attending optometrist as soon as possible.²

It may be questioned whether many of these rules of conduct are not primarily for the purpose of promoting the interests of the profession. The board, moreover, has proscribed a whole series of advertising and professional practices beyond those spelled out in the law. In the process, the board has made binding on the profession the codes of ethics of private professional organizations.

XVII. BOARD OF OSTEOPATHIC EXAMINERS

The osteopathic board is required to establish rules for (1) The conducting of examinations; (2) The grading of examinations and passing upon the technical qualifications of

¹Iowa Optometric Association, op. cit., art. XIV, sec. B(3-f), p. 35.

²Ibid., sec. B(3-j, m, n).

applicants, as shown by the examination.¹ Applicants for licensure are required to "pass an examination in the science of osteopathy . . . and in the practice of the same."²

A board rule on examinations, however, states: "The handwriting of the candidate must be legible. Proper punctuation and the use of capital letters will be considered in marking answers."³

The rule appears to go beyond inquiry into the purely technical qualifications of applicants in the science of osteopathy.

XVIII. BOARD OF PHARMACY EXAMINERS

Iowa law requires applicants to "file proof, satisfactory to the board, of a minimum of one year practical experience in a pharmacy, substantiated by proper affidavits; said experience to be under the supervision of a licensed pharmacist. . . ."⁴

The board's rules state that "practical experience shall be credited only when it has been obtained in a pharmacy acceptable to the board of pharmacy for that purpose."⁵ They also state that "the pharmacy owner and the registered pharmacist supervising the practical experience of applicants for

¹Iowa Code, op. cit., c.147, sec. 36.

²Ibid., c.150, sec. 4(3).

³I.D.R., op. cit., Rule 13, p. 198.

⁴Iowa Code, op. cit., c.155, sec. 5(1).

⁵I.D.R., op. cit., pt. II, sec. 5, p. 247.

registration must agree to abide by the code of ethics of the American Pharmaceutical Association."¹

The code to which pharmacists must agree to abide includes the following items:

The pharmacist associates himself with organizations having for their objective the betterment of the pharmaceutical profession and contributes his share of time, energy, and funds to carry on the work of those organizations.

He deals fairly with manufacturers and wholesalers and recognizes the significance and legal aspects of brand names and trade-marked products.²

The board thus is able to enforce compliance with the ethics code of a private trade association through its power to approve pharmacies for practical training.

XIX. REAL ESTATE COMMISSION

The real estate commission has authority under Iowa law to suspend or revoke licenses for a detailed list of practices, as well as for "any . . . conduct . . . which constitutes improper, fraudulent, or dishonest dealing or determined by the commission as being detrimental to the public interest."³

The board's rules describe a number of practices the board has considered to be detrimental to the public interest. It also contains a number of other strictures without designation as either improper, fraudulent, dishonest, or detrimental:

¹Ibid., sec. 7(c).

²Iowa Pharmaceutical Association, The Iowa Pharmacist (Des Moines: Iowa Pharmaceutical Association, Nov., 1954), Vol. IX, p. 6.

³Iowa Code, op. cit., c.117, sec. 3(11).

A broker shall not buy for himself either directly or indirectly property listed with him, nor shall he acquire any interest therein without first making his true position clear to the owner. Satisfactory proof of this fact must be produced by the broker upon request of the commission.¹

When for any reason the owner fails or is unable to consummate the deal, the broker has no right to any portion of the money deposited with him by the purchaser, even though the commission is earned. The money must be returned to the purchaser and the broker should look to the owner for his compensation.²

At the expiration of thirty days after an offer to buy has been made by a buyer and accepted by a seller, either party may demand and the broker shall furnish a detailed current statement on 30 days intervals thereafter until the transaction is closed.³

To enforce a protective clause beyond the expiration of an exclusive listing contract, the broker must furnish to the owner prior to the expiration the names and addresses of all persons to whom the property was presented during the active term of the listing.⁴

The offering of prizes or anything of value as an inducement to buy or sell real estate shall be considered payment of a commission to a person who is not a licensed broker or salesman under the provisions of this chapter and a violation thereof.⁵

The wording of the Iowa law thus gives the commission, by virtue of its power to suspend or revoke licenses, extremely broad authority to proscribe real estate practices. The rules adopted by the board indicate it is not loath to use the authority. The board exercises considerable control over the conduct of real estate transactions in Iowa--conduct that the board itself fails, in part, to designate clearly as either improper, fraudulent, dishonest, or detrimental to the public interest.

¹I.D.R., op. cit., Rule 9, p. 342. ²Ibid., Rule 14.

³Ibid., Rule 18, p. 343.

⁴Ibid., Rule 19.

⁵Ibid., Rule 20.

XX. BOARD OF VETERINARY MEDICINE EXAMINERS

Iowa law states that "the (veterinary medicine) examining board shall establish rules for: 1. The conducting of examinations. 2. The grading of examinations and passing upon the technical qualifications of applicants, as shown by such examinations."¹ It further requires that "every examination shall be passed upon in accordance with the established rules of the examining board and shall be satisfactory to at least a majority of the members of said board."²

Despite these express provisions, the board of veterinary medicine examiners does not have rules of any type. The explanation of the State Veterinarian is that the law spells out the licensing procedure in sufficient detail to make rules unnecessary.³

XXI. BOARD OF EXAMINERS IN WATCHMAKING

The board is given express authority to revoke licenses "for fraud of the applicant, or if the holder is grossly incompetent, guilty of immoral or unethical conduct, or obtained or sought anything of value by fraudulent representation."⁴ Under this power the board has defined "unethical conduct" in its rules as follows:

¹Iowa Code, op. cit., c.169, sec. 27.

²Ibid., sec. 29.

³Interview with Dr. H. U. Garrett, State Veterinarian, Department of Agriculture, June 16, 1955.

⁴Iowa Code, op. cit., c.150, sec. 10.

1. It shall include and mean any conduct of a character which is likely to mislead, deceive or defraud the public.
2. The loaning of a certificate of registration to any person.
3. The failure to display the certificate of registration conspicuously at all times, as required by statute.
4. The representation that a watch has been cleaned, although its major parts, train wheels and mainspring have not been disassembled and the cap jewels removed and all parts thereof properly cleaned.
5. Performance of any work upon a timepiece in an unworkmanlike or unskilled manner.
6. Representation that certain services or parts are necessary, or have been or will be used in the repair of a timepiece, when such parts or services are not necessary, and have not been used in such repairs.
7. Employment of any unregistered watchmaker to perform any watchmaking or repairs on timepieces.

Unlike a number of other boards which attempt to establish the bounds of ethical conduct, the watchmaking board appears to have limited itself to proscribing practices that are detrimental to the public interest. There is no evidence that the formal rules of the board, either in this or other respects, go beyond reasonable regulation of the profession as indicated by the watchmaking statute.¹

¹I.D.R., op. cit., sec. 8, p. 550.

CHAPTER IV

PRACTICES OF THE EXAMINING BOARDS

The previous section illustrated ways licensing boards have utilized and, in some instances, failed to utilize their rule-making power. The following section is an attempt, through a sampling of board practices, to illustrate how actual unwritten practices can supplement both the formal laws and rules.

I. BOARD OF ARCHITECTURAL EXAMINERS

It was noted earlier that, while the law specifies only age, citizenship, education, and experience as prerequisites for admission to the examination,¹ the board's rules interpose a "personal interview" before "final approval for admission to examinations."² While examinations are required to be in "technical and professional subjects,"³ the board's rules call for one-sixth of the examination to be a "Personal Audience."⁴

¹Iowa Code, op. cit., c.118, sec. 8.

²Iowa State Board of Architectural Examiners, Annual Report (Des Moines: State of Iowa, 1953), sec. IV(1), p. 18.

³Iowa Code, op. cit., c. 118, sec. 8.

⁴State Board of Architectural Examiners, op. cit., sec. IV(6), p. 19.

In practice, the "personal interview" is a screening process utilized by the board. There are no formal standards for judgment. The personal interview can serve to bar an applicant from licensure as effectively as failure to pass the examinations.

The secretary of the board of architectural examiners cited as an example of the functioning of the "personal interview" the case of a recent applicant for licensure.¹ The applicant indicated a critical view of the capabilities of Iowa architects. The secretary and his colleagues were given the impression, to quote the secretary, that the applicant "was the only architect in Iowa who could design a building." This particular applicant failed to pass the interview, was denied access to the examination, and was told to return at a future time. The secretary declared that, after twenty-seven years' service, he "can spot them."²

The "Personal Audience" part of the examination and the "personal interview" prior to the examination are in practice one and the same. However, if the applicant is rejected on the basis of the interview, it is not graded as part of the examination; it counts only if the applicant passes and is allowed to proceed with the rest of the examination process.³

¹Interview with William L. Perkins, Secretary-Treasurer, State Board of Architectural Examiners, Chariton, Iowa, June 3, 1955.

²Ibid.

³Ibid.

While the board may feel justified in conducting a personal interview as an inquiry into an applicant's moral character, it is questionable whether its personal interview examination is a procedure contemplated in the licensure statute. The board has assumed power, through the personal interview, to disqualify applicants from further examination and licensure for any characteristic that incurs its displeasure.

II. BOARD OF BARBER EXAMINERS

State law requires the State Health Department to "establish and maintain such divisions in the department as are necessary for the proper enforcement of the laws administered by it."¹ It is required to establish a "division of examinations and licenses."²

However, the board of barber examiners, although in the State Department of Health, is not in the division of examinations and licenses. It is an independent division which administers the barbering law as it relates to licensure. It also inspects shops and handles licensure of barber shops and schools, all State Health Department functions.³

The executive secretary of the division is executive secretary of the board of barber examiners, although there is no such position specifically provided for the board.

¹Iowa Code, op. cit., c.135, sec. 11(16).

²Ibid.

³Ibid., c.158, sec. 7.

Thus, the job of licensure of practitioners is intertwined with numerous other activities in the barbering field: inspections and licensure of shops and schools. The executive secretary, in carrying out these functions, is accountable, in large part, to the board of barber examiners. In practice, therefore, the board of barber examiners has authority extended considerably beyond the scope of licensure of practitioners.

The cost of administering the statutes relative to barbering must not "exceed in any year the receipts by virtue of this chapter for such year."¹ Actually, expenditures do exceed income from fees.²

III. BOARD OF CHIROPRACTIC EXAMINERS

For the purpose of nominating board members,

the regular state association or society or its managing board . . . may submit each year to the governor a list of six persons of recognized ability. . . . If such list is submitted, the governor . . . shall select one of the persons so named.³

In Iowa there are two state associations: the Iowa Chiropractic Association and the Chiropractic Society of Iowa. In practice, there is sharp competition between these groups for recognition as the nominating body. In past years both groups have succeeded in getting their lists submitted and their choices nominated. The competition and open animosity

¹Ibid., sec. 9.

²Interview with K. E. Hartoft director Finance and Personnel, State Health Department, June 16, 1955.

³Iowa Code, op. cit., c.147, sec. 20.

between these groups has resulted in close cooperation between board members and the particular state group to which they belong. One board member recently resigned from the board, informing only representatives of the Iowa Chiropractors Association. They, in turn, submitted a list of nominees for membership on the board to the governor and succeeded in getting their association member appointed before the Chiropractic Society was aware of the resignation.¹

Iowa law provides that "No examiner shall be an officer or member of the instructional staff of any school in which any profession regulated by this title, is taught, or be connected therewith in any manner" ² The restriction apparently is designed to prevent decisions relating to training schools by persons with economic interests in them.³

It may be questioned whether in practice, The Palmer School of Chiropractic does not have at least an indirect connection with the affairs of the board. The chiropractic split in Iowa is basically over the "Palmer Method." The Chiropractic Society of Iowa, which represents the Palmer view, nominates members to the board with the object of supporting Palmer's teachings. Opponents would like to see a rival chiropractic view prevail. Spokesmen on both sides agree

¹Des Moines Register, April 8, 1955, p. 14.

²Iowa Code, op. cit., c.147, sec. 18.

³Council of State Governments, Occupational Licensing Legislation in the States (Chicago: Council of State Governments, 1952), p. 37.

that the struggle for control of the board is in large part a fight to determine which schools of chiropractic are granted approval by the board.¹ In this struggle nominees of the Chiropractic Society of Iowa are pledged to support of the Palmer school--and have strong economic interests in continued recognition.

It does not appear that Iowa law intended chiropractic board members also be full-time paid employees of the board. The law provides that the board "as far as practicable, provide by rule for the conducting of its business by mail."² It further provides that board members be "actively engaged" in practice.³ It does not appear therefore, that the provision allowing the hiring of "such clerical assistance as may be necessary" meant to include a member of the board.⁴

Yet, in practice, the secretary member of the board is also the full-time paid clerical assistant of the board, at an annual salary of \$3,180. The secretary's explanation for accepting the position is that he wanted to be in a position to settle policy matters "without a lot of letter writing."⁵ It may be questioned whether the position of clerical assis-

¹Des Moines Register, April 8, 1955, p. 14.

²Iowa Code, op. cit., c.147, sec. 23.

³Ibid., sec. 16.

⁴Ibid., sec. 103.

⁵Des Moines Register, April 8, 1955, p. 14.

tant was designed to settle matters of chiropractic policy.

IV. BOARD OF COSMETOLOGY EXAMINERS

As under the barbering statute, the making of sanitary rules and inspecting of shops is a function of the State Department of Health. "The department of health," says the code, "shall have power to enforce the provisions of this section and to make all necessary inspections in connection therewith."¹ Similarly, a cosmetology division has been created to handle the work of inspections in addition to the administrative work of the board of cosmetology examiners.

A result of creation of the division is the placement of a full-time employee in charge of the cosmetology board. The employee has the title of executive secretary, although no such official position is expressly provided. The effect of creating the division is to intertwine the purely licensing functions of the board with inspection functions, both directed by the same individual from the same office.

The Iowa statute states:

All fees provided for by this chapter and all other fees paid to the department by practitioners of cosmetology shall be paid by the department to and receipted for by the treasurer of state, who shall keep such fees in a separate fund to be known as the cosmetology fund. Such fund shall be continued from year to year and the treasurer shall keep a separate account thereof showing receipts and disbursements²

¹Iowa Code, op. cit., c.157, sec. 6.

²Ibid., sec. 14.

Actually, all income from fees for cosmetology are not placed in a special fund. Neither are cosmetology expenses paid from moneys collected from fees. Cosmetology fees are remitted to the general fund of the state.¹ The board of cosmetology examiners is regularly given a state appropriation with which to cover its expenses.

V. BOARD OF ENGINEERING EXAMINERS

Iowa law provides that the secretary of the Executive Council, "or one of his assistants, to be designated by him, shall act as secretary of said board."² In practice, the secretary of the Executive Council does not perform secretarial duties for the board, but refers them to an employee, designated as assistant secretary. The only connection between the Executive Council secretary and the board of engineering examiners is that the physical location of the board's files is in the office of the executive council secretary. Nevertheless, the secretary of the executive council is paid a monthly salary of \$100 as compensation

¹Interview with K. E. Hartoft, Director Finance and Personnel, State Health Department, June 16, 1955.

²Iowa Code, op. cit., c.114, sec. 3.

for his role as secretary of the board.¹

The assistant secretary, who has been designated under terms of the law to act as secretary, draws an annual salary of \$1,620 from the board.² The curious situation prevails whereby the secretary of the Executive Council, who bears the paper title of "secretary of the board of engineering examiners," draws a lesser board salary than the employee who is called "assistant secretary."

The executive council secretary's salary from the executive council is \$4,500 annually.³ In practice, it is clear, the title of secretary to the board of engineering examiners is a fiction utilized to increase the official's salary for his duties relative to the Executive Council by \$1,200 a year.

It has been shown earlier that, while the board is empowered to waive examination of engineers and land surveyors if certain education and experience qualifications are met,⁴

¹Superintendent of Printing, List of Employees of the State of Iowa (Des Moines: State of Iowa, 1954), p. 287.

²Ibid.

³Ibid., p. 288.

⁴Iowa Code, op. cit., c. 114, sec. 14 (1-a, 2-a).

the board's rules make no provision for complete waiver of examination. The most that will be waived is the written fundamental examination, in which case an oral examination is required. According to the rules, all professional engineers must take the written examination in the professional engineering branch of their specialization.¹

In practice, the board does waive written fundamental examinations for professional engineers who meet certain education and experience qualifications. The board, however, requires eight more years of experience than the law is willing to accept.

But in practice it does not waive the written fundamentals for land surveyors who meet the requirements. It has not done so, in the memory of the board's assistant secretary, for the last nine years.² And while the branch engineering examination is required of all, the board has on at least two occasions granted licenses without such an examination. These two instances involved men of "prominence" and "eminence," to quote the assistant secretary.³

VI. BOARD OF FUNERAL DIRECTOR AND EMBALMER EXAMINERS

Under the general provisions of the Practice Act, the State Department of Health is required to collect three dollars

¹I.D.R., op. cit., Rule 1(c), p. 104.

²Interview with Miss Etta Mitchell, Assistant Secretary, Board of Engineering Examiners, Feb. 7, 1955.

³Ibid.

in addition to the annual renewal fee for each funeral director and embalmer. The funds derived from this additional fee "shall be paid to the board of funeral director and embalmer examiners at such time as said board of funeral director and embalmer examiners or the Iowa funeral directors association conducts a statewide educational meeting for its members, in such amounts as are necessary for such said meeting only and such funds so collected by the state department of health shall be used for the advancement of the arts and sciences of the funeral directing and embalming profession."¹

The bulk of these funds, amounting to some \$8,000 annually, is used in actual practice for the support of a division of embalmer education, which has been established by the board. The division is headed by a full-time paid director, although there is no provision for the division or the director in the statute or in the rules of the board. The director performs various educational services, including organizing regional meetings for members of the profession.² He has also performed legislative functions. The director, while drawing his state salary, has been registered in the State House of Representatives as lobbyist for the Iowa Funeral Directors and Embalmers Association during legislative sessions.³

¹Iowa Code, op. cit., c.147, sec. 101.

²Interview with L. E. Wilson, Director, Division of Embalmer Education, Feb. 14, 1953.

³Ibid.

Measures in which he has expressed interest are those of interest to the profession, some of a highly controversial nature.¹ The fact that expenses incurred by the director during each day of the legislative session were paid out of the "educational fund"² indicates that these measures were also favored by the board and that the director was in effect representing the board as a lobbyist.

The funds accumulated by the State Department of Health were designated only as being earmarked "for the advancement of the arts and sciences of the funeral directing and embalming profession." This has been stretched in practice to cover promotion of the private legislative interests of members of the profession. The board's role in this is perhaps consistent with the view it takes of the board's function. In the foreword addressed to the profession, in the official board publication containing the law and rules and regulations pertaining to embalming and funeral directing is the following:

"Your state board of funeral director and embalmer examiners is the agent through which your views are officially expressed to the Iowa state department of health."³

¹Ibid.

²Interview with K. E. Hartoft, Director, Finance and Personnel, State Health Department, June 16, 1955.

³Iowa State Board of Funeral Director and Embalmer Examiners, Circular of Information Pertaining to the Practice of Funeral Directing and Embalming (Des Moines: State of Iowa, 1954), p. 4.

VII. BOARD OF MEDICAL EXAMINERS

At no place in the Practice Act is authority for enforcement of the law relative to violations vested in the board. The function of initiating action to revoke or suspend licenses is vested specifically in the State Department of Health.¹ In practice, however, it is the board that plays the key role. The Department's investigator makes his report on complaints to the board as well as to the Commissioner of Health. The board then makes its recommendation to the Commissioner. The Commissioner, in practice, relies on the verdict of the board.²

While investigations and enforcement are exclusively the province of the Health Department,³ in practice, authority is further divided between the board and the Department. Under the law,

There is hereby created the position of health department inspector and assistant who shall be appointed by the commissioner of health of the state of Iowa. The health department inspector's duties shall consist of investigating all violations of this title, securing all available evidence and reporting to the department of health.⁴

In addition, the law provides for an inspector to aid specifically in the enforcement of the medical practice act:

¹Iowa Code, op. cit., c.147, sec. 60.

²Des Moines Register, May 11, 1955, p. 10.

³Iowa Code, op. cit., c.147, sec. 87.

⁴Ibid., sec. 88.

"The commissioner of public health, upon the request of and with the approval of the medical examining board, shall appoint an inspector and incur such other expenses as may be necessary to properly administer and aid in the enforcement of the provisions of the law relating to those licensed to practice medicine and surgery by said board."¹

In practice, the Health Department inspector and the medical examining board inspector are the same person. In addition, the inspector serves as executive secretary of the medical examining board. His salary is paid from the board's appropriation and he is a board employee.² Thus, while the Department's enforcement inspector is required to be an appointee of the Commissioner, in practice, he is approved by the medical examining board. One effect of this arrangement is that the board chooses the inspector for all the professions served by the Department.

The board's influence has extended in other ways outside its only assigned function, which is licensure. On December 27, 1953, according to the executive secretary of the boards, the board was "considering the illegal practice of medicine by hospitals," ~~when it was called into session.~~³ The session was attended by members of the board in addition to the president of the Iowa Association of Pathologists, the

¹Ibid., sec. 103.

²Interview with K. E. Hartoft, Director, Finance and Personnel, State Health Department, June 16, 1955.

³Des Moines Tribune, June 9, 1955, p. 13.

executive secretary of the Iowa State Medical Society, the attorney for the Iowa State Medical Society and one other society employee. It was at this meeting, the executive secretary of the board testified, that the decision was made to request an Iowa Attorney General's opinion on the question of whether hospitals hiring medical specialists to operate laboratories were practicing medicine illegally.¹

In practice, it is perhaps to be expected that the board should be interested in matters of interest to the State Medical Society. The Society submits the list of board members for appointment by the Governor. The current secretary of the board is also secretary of the State Society; the board chairman is one of three Society trustees.² It may be questioned, however, whether the nominating arrangement was intended to broaden the jurisdiction of the board to include matters of interest to the Society even though beyond the scope of authority of the board of medical examiners.

VIII. BOARD OF OSTEOPATHIC EXAMINERS

The Practice Act assigns certain specific duties to the secretary of the osteopathic board. He is required to receive applications for licensure and collect fees as well as keep records of the proceedings of the board.³

¹Ibid.

²Des Moines Register, May 10, 1955, p. 8.

³Iowa Code, op. cit., c.147, sec. 102.

In practice, the elected secretary does none of these. All of the administrative functions are handled by an assistant secretary. And while "the executive council shall . . . furnish said board with the necessary quarters and all articles and supplies required for the public use,"¹ in practice, the office of the board is maintained in the office of the assistant secretary.²

It is true that the board is empowered to hire clerical assistance.³ However, it does not appear that the assistant secretary is in the category of a "clerical assistant." He is, in fact, a practicing attorney. The salary which is paid by the state to the secretary of the board is turned over to the assistant secretary by the secretary in full. Nevertheless, state and federal retirement deductions are credited to the account of the secretary.⁴ The assistant secretary is nowhere listed in state records as receiving remuneration and he is not an employee of the state.

In addition to serving as assistant secretary of the board of osteopathic examiners, the official also serves as secretary-treasurer and counsel for the Iowa Society of Osteopathic Physicians and Surgeons, a private organization. In

¹Ibid., sec. 103.

²Interview with Dwight James, Assistant Secretary, State Board of Osteopathic Examiners, June 2, 1954.

³Iowa Code, op. cit., c.147, sec. 103.

⁴Interview with K. E. Hartoft, Director Finance and Personnel, State Health Department, June 2, 1954.

the latter capacity he represents the Society before the legislature on matters of interest to the profession and is their registered lobbyist.¹ The office from which he handles these affairs is the same office from which he administers the work of the state board of osteopathic examiners.

It is highly questionable whether the legislature intended that assigned duties and salary be transferred entirely from a state official to someone without standing as a state employee. It is equally questionable whether it intended retirement credits to accumulate on the basis of a salary that is neither earned nor retained by the recipient of the credits. The maintenance of an office other than one assigned by the executive council is another matter open to question. The propriety of a lobbyist and official of the Osteopathic Society handling the work of the board raises by far the largest question.

IX. BOARD OF PHARMACY EXAMINERS

In theory and in law the board of pharmacy examiners is an organ of state government established to carry out the functions assigned by law. It is established as an independent body answerable to no one except the courts in the event it exceeds its authority. In practice, however, the board is

¹Iowa State House of Representatives, 55th General Assembly, "Lobbyists Registered With Chief Clerk," p. 3.

answerable to a private body, the Iowa Pharmaceutical Association. The executive secretary of the Association has declared that the pharmacy board would make no radical departure from its present policies without first consulting the fifty-five man advisory committee of the Association.¹ All of the board members and the executive secretary of the board are members of the advisory committee. It is the advisory committee that selects the list of names for submission to the Governor for appointment to the board. The Association at times has blocked reappointment of board members whom it has considered unsatisfactory.²

The Association is legally the recipient of state funds through the renewal fee. The law declares:

The secretary of the pharmacy examiners shall annually add two dollars and fifty cents to the renewal fee provided in this chapter for a person licensed to practice pharmacy The funds derived from the additional renewal fee collected under this section shall be paid to the state pharmacy association upon the order of its treasurer and secretary. Said funds shall be used by such association in the advancement of the art and science of pharmacy.³

The funds are approximately \$7,000 annually, about one-sixth of the annual budget of the Pharmaceutical Association. In practice it is impossible to determine whether the funds are actually used for "the advancement of the art and science of pharmacy." The Association does not keep the

¹Des Moines Register, Jan. 19, 1955, p. 8.

²Ibid.

³Iowa Code, op. cit., c.147, sec. 100.

money in a separate fund; it follows no special bookkeeping procedure to account for its expenditure; the State Auditor's office does not audit its use.¹ While the Iowa Pharmaceutical Association does carry on a good deal of educational work, there is no way of knowing to what extent the renewal fee funds contribute or play a part in this.

X. REAL ESTATE COMMISSION

Iowa law empowers the real estate commission to "promulgate rules and regulations to carry out and administer the provisions of this chapter consistent therewith. Said commission may carry on a program of education of real estate practices and matters relating thereto."²

Under this latter provision, the commission publishes and distributes a "Real Estate Primer", an eighty-eight-page publication describing the Iowa law, rules of the commission, and how to conduct the real estate business.³ The preface of the primer states:

The primary purpose of the Real Estate License Law is to protect the interests of the public against the practices of unscrupulous licensees Recognizing the importance and dignity of the real estate profession, and the duties and obligations imposed upon it by law, the commission has authorized the publication of this booklet.⁴

¹Interview with D. L. Bruner, Executive Secretary, Iowa Pharmaceutical Association, June 29, 1954.

²Iowa Code, op. cit., c.117, sec. 9.

³Iowa State Real Estate Commission, Real Estate Primer (Des Moines: State of Iowa, 1953).

⁴Ibid., p. 3.

Included in the booklet is the code of ethics of the National Association of Real Estate Boards. A preface notes that "this code of ethics is not a part of the real estate license law nor can its terms be enforced by the real estate commission." However, "it is recommended to you for your serious consideration."¹

The 1953 edition of the primer contains these items from the ethics code:

The Realtor should be loyal to the real estate board of his community and active in its work.²

A Realtor should never publicly criticize a competitor.³

A Realtor should never be instrumental in introducing a character of property or occupancy, members of any race or nationality, or any individuals whose presence will clearly be detrimental to property values in that neighborhood.⁴

This note is appended to the code:

This department recognizes the value and influence of organized associations of brokers in maintaining and upholding the standards of real estate practice and in cooperation for mutual success. Licensees are urged to join existing organizations or if there are none in their community or county to form similar boards for their mutual benefit.⁵

The remainder of the primer contains numerous tips to real estate men on the conduct of their business. One is: "Avoid listing 'White Elephants,' your time spent on salable

¹Ibid., p. 22.

²Ibid., art. 1, p. 23.

³Ibid., art. 5.

⁴Ibid., art. 34, p. 25.

⁵Ibid., p. 37.

properties will bring greater returns."¹ There is a particularly detailed section on "Closing the Deal." The primer admonishes:

Inability to know how and when to close has kept many men in the 'birddog' class. Certainly the broker who values his reputation would hate to be put in this classification. If you can't properly close a transaction you are only building up a reputation for someone else who has the ability to close

Smooth closing is an art--this is one of the important functions of a broker, the ability to iron out the last minute doubts or misunderstandings, the diplomatic handling of last minute requests for concessions, the explanation of attorney's opinions and items for closing statements. Then, the collection and correct disbursement of funds

The 'offer to buy' is used because it serves the purpose of cinching a transaction, yet by its informality of preparation does not have the effect of scaring the purchaser. A printed or typewritten form with spaces to fill in with the particular details of the transaction in hand provides a means of securing the name on the dotted line, with little apparent effort. In fact, the informal manner in which such a form may be completed in the presence of the purchasers does not raise a ripple of fear

If the purchaser has made an offer which differs in terms of price from those of your signed listing and if in your judgment the offer should be accepted by the owner, the preparation of the formal contract according to the offer may help you to close your deal.

The acceptance and formal contract can be signed at same time and by tendering the definite contract your owner is put in the position of turning down a concrete opportunity to dispose of his property. Otherwise, he might attempt to change this provision or that provision--winding up in an argument on some minor matter and possibly reject the offer or make some stipulation that the buyer would be able to reject or be unable to fulfill.

Smooth closing needs suitable surroundings conducive to confidence since a broker's ability is often judged by the appearance of his office.

The office should have the proper equipment to facilitate transaction. A private office or conference

¹Ibid., p. 37.

room is a convenience since few people like to have their affairs made public. A more important reason though, is to avoid distractions or interruptions during negotiations which have a tendency to interfere with smooth closing. If there are children, delegate someone to keep them from distracting parents.

The street corner peddler secures momentum in sales by using stooges to break the ice by making the first purchase and the crowd, by power of example, steps up to part with its money. By the nature of the real estate business one cannot have a crowd at the closing of a deal--but a sold sign with the broker's name on a property is a good business getter

Smile when closing--don't let the situation get too serious. Be natural and help your clients to feel comfortable. Smooth closing requires patience sometimes, with people who are slower to grasp an unfamiliar idea. Don't rush them, they may balk.

If for some cause the deal seems to blow up at the last moment be sure to leave a door open for further negotiation. You may still be able to close a deal. Don't let your disappointment get the best of you¹

Despite the acknowledgement that "the primary purpose of the real estate license law is to protect the interests of the public," it is clear that the primer published under the law has the interests of the real estate profession primarily at heart. The recommended code of ethics and recommended membership in local real estate groups both have aspects of questionable value from the public's point of view. The tips to real estate men seem almost wholly designed to indicate ways of increasing real estate business through methods of "closing the deal."

Discussion of these techniques seems entirely appropriate for a real estate trade group. It does not seem appropriate for a state regulatory group, whose purpose is to protect

¹Ibid., pp. 48-51.

the public, to be indicating the subtle ways in which the public can be induced to contribute to the well-being of the real estate business.

XI. BOARD OF EXAMINERS IN WATCHMAKING

In addition to per diem, Iowa law allows payment of an annual salary to the secretary member of the board of examiners in watchmaking "to be fixed by the board, but such salary shall not exceed fifteen hundred dollars."¹ In addition, "the board may appoint such clerks and assistants as it may deem necessary for the execution of its functions and fix their salaries."²

In practice, the board pays its secretary no salary. It has created instead the position of executive secretary. The post is filled by a nonboard member, a watchmaker with commercial offices next door to the board's three room suite of offices in downtown Des Moines.³ The executive secretary is paid a salary of \$1,500 a year. His wife serves as part-time clerk at a salary of \$900.⁴

The duties of the board secretary are enumerated in the statute. He is required to:

¹Iowa Code, op. cit., c.120, sec. 3(2).

²Ibid., sec. 3(4).

³Interview with R. A. Wiley, Executive Secretary, State Board of Examiners in Watchmaking, June 3, 1955.

⁴Ibid.

. . . keep a full record of the proceedings of the board¹. . . collect the fees and pay the same quarterly to the treasurer of the state . . . and at the same time render to the state comptroller an itemized and verified report showing the source from which said fees were obtained.²

Moreover, "If the applicant successfully passes the examination, the secretary of the board shall register such fact and shall issue to him a certificate of registration."³

In practice, all of these duties, as well as all other administrative chores of the board, are performed by the executive secretary.

It seems clear that the law, in providing for a member of the board to be chosen secretary, has earmarked certain definite duties for him to perform, and provided for his reimbursement. In practice, the board has seen fit to delegate the duties, and the salary, to a nonboard member.

¹Iowa Code, op. cit., c.120, sec. 3(2).

²Ibid., sec. 5.

³Ibid., sec. 8(1).

CHAPTER V

CONCLUSION

If there is any one word that characterizes Iowa occupational licensing it may well be "diversity." Diversity is evident in the way the boards are organized; the way appointments to the boards are made; the way boards conduct their business; the varying authority boards have to hire personnel and delegate authority; the way boards are financed; the fees that are charged; and the handling of reciprocal relations. The administrative diversity that characterizes Iowa boards has been recognized in the two most recent studies of Iowa state government: that of the Brookings Institution in 1933¹ and that of the Little Hoover Commission in 1950.² Both commented on the scattering of functions; both recommended administrative reform. The present study finds ample evidence of needless administrative decentralization in the conduct of board business which is largely of a similar character.

There is great diversity as well in the substantive nature of the laws relative to licensing. Citizenship qualifications show no consistent pattern, full citizenship being

¹The Brookings Institution, Survey of Administration in Iowa (Des Moines: State of Iowa, 1933).

²State of Iowa, Report of the Governmental Reorganization Commission (Des Moines: State of Iowa, 1950), pp. 68-72.

required for funeral directors and embalmers but none at all for teachers; examination responsibilities of boards range from full discretion concerning subject matter and type of examination to no discretion whatever; law enforcement rests with some boards, not with others. Some licenses may be suspended or revoked; others only revoked. Grounds for suspension or revocation vary from "sufficient cause" to detailed lists of offenses. There is lack of consistency regarding appeal procedures, the majority required for punitive board action, and defrayal of costs.

It is evident that these differences reflect varying philosophies of licensure. Yet most of the boards exist to perform a basically similar function. Study of the Iowa licensure laws indicates need for a coherent, uniform approach that will make clear how much discretion boards should have, whether they should be quasi-judicial bodies with law enforcement functions or solely certifying bodies, and that boards charged with similar functions should have similar authority and standards.

There is equal diversity in the use boards have made of the rule-making power. Usage runs the gamut from no formal rules whatever to rules that list to the last comb, brush, and hairpin container the equipment of approved schools. Boards that do have formal rules do not necessarily have complete

rules; some are detailed in a few respects and silent on whole areas of licensure. A study indicates that some boards have made extremely liberal use of the rule-making power. Examples are given where boards have assumed authority to pass on applicants before entrance to training schools, and where they have instituted citizenship requirements where none exist in the law.

Through the rule-making power three boards have instituted codes of ethics that are also the codes of the private trade or professional associations in the field. It is a reasonable assumption that, while the framers of codes of ethics of private trade and professional groups may have the public interest in mind, they are also concerned with protecting and furthering the well-being of the profession, a dubious function of a state licensure board.

It is evident that there is need for uniform standards for rules and clear enunciation to the boards of the limits of their rule-making authority. Board rules currently must be screened and approved by the office of the Attorney General.¹ This has not prevented some boards from assuming questionable powers. There is evidence of need for close and careful screening by those charged with overseeing the rule-making practices of boards of licensure.

¹Iowa Code, op. cit., c.17A, sec. 2.

The sample of unwritten practices contained in this thesis is in harmony with other evidence that licensure laws are not the final authorities on the way licensure in fact operates. There are administrative shortcuts and questionable examination procedures. One of the more common developments is the emergence of extremely close relations between the official state licensing body and the profession it licenses and/or regulates.

This condition is furthered by the usual requirement that boards consist of members of the profession, and, in some instances, that they be appointed from lists submitted by the private state associations. It is facilitated by the belief that members of the profession should be peculiarly responsible for licensure. This is reflected in the laws that require boards to be financed solely by members of the profession through their fees.

Licensure has its raison d'etre in the need for protection of the public. Yet, with the exception of the board of educational examiners, there is no provision for public representation on the boards. Practices in Iowa suggest the need for close checking on how closely boards conform to the laws defining their functions and the purposes of licensure. They suggest the need for formal divorce from private association ties, for lay representation, wherever possible, to reflect the public's primary interest in licensure, and for the financial support of licensure by state legislative appropriations.

PUBLIC DOCUMENTS

Iowa Code of 1954.

Iowa Departmental Rules. Des Moines: State of Iowa, 1954.

Report of the Governmental Reorganization Commission. Des Moines: State of Iowa, 1950.

Iowa State Board of Architectural Examiners. Annual Report. Des Moines: State of Iowa, 1953.

Iowa State Board of Court Reporting Examiners. Rules of the Board of Examiners. Des Moines: State of Iowa, 1953.

Iowa State Department of Public Instruction. Certification and Approval of School Personnel (Publication 11). Des Moines: State of Iowa, June, 1954.

Iowa State Real Estate Commission. Real Estate Rules. Des Moines: State of Iowa, 1953.

Iowa State Superintendent of Printing. List of Employees of the State of Iowa. Des Moines: State of Iowa, 1954.

BIBLIOGRAPHY

NEWSPAPERS AND PERIODICALS

Des Moines Register. Jan. 14, 1955; April 2, 1955; May 10, 1955; May 11, 1955.

Des Moines Tribune. June 9, 1955.

REPORTS

The Brookings Institution. Survey of Administration in Iowa. Des Moines: State of Iowa, 1953.

Council of State Governments. Descriptive Statistics Pertaining to the States. Chicago: Council of State Governments, 1954.

OTHER SOURCES

Iowa Funeral Directors and Embalmers Association. Articles of Incorporation of I.I.D.A. Des Moines: Iowa Funeral Directors and Embalmers Association.

PUBLIC DOCUMENTS

Iowa Code of 1954.

Iowa Departmental Rules. Des Moines: State of Iowa, 1954.

Report of the Governmental Reorganization Commission. Des Moines: State of Iowa, 1950.

Iowa State Board of Architectural Examiners. Annual Report. Des Moines: State of Iowa, 1953.

Iowa State Board of Court Reporters Examiners. Rules of the Board of Examiners. Des Moines: State of Iowa, 1946.

Iowa State Department of Public Instruction. Certification and Approval of School Personnel (Bulletin 31). Des Moines: State of Iowa, June, 1954.

Iowa State Real Estate Commission. Real Estate Primer. Des Moines: State of Iowa, 1953.

Iowa State Superintendent of Printing. List of Employees of the State of Iowa. Des Moines: State of Iowa, 1954.

ARTICLES AND PERIODICALS

Des Moines Register. Jan. 19, 1955; April 8, 1955; May 10, 1955; May 11, 1955.

Des Moines Tribune. June 9, 1955.

REPORTS

The Brookings Institution. Survey of Administration in Iowa. Des Moines: State of Iowa, 1933.

Council of State Governments. Occupational Licensing Legislation in the States. Chicago: Council of State Governments, 1952.

OTHER SOURCES

Iowa Funeral Directors and Embalmers Association. Articles-By-Laws-Code of Ethics. Des Moines: Iowa Funeral Directors and Embalmers Association.

- Iowa Optometric Association. Articles of Incorporation, By-Laws. 1955.
- Iowa Pharmaceutical Association. Personal interview with D. L. Bruner, Executive Secretary. June 29, 1954.
- Iowa State Board of Architectural Examiners. Personal interview with William L. Perkins, Secretary-Treasurer. June 3, 1955.
- Iowa State Board of Engineering Examiners. Personal interview with Miss Etta Mitchell, Assistant Secretary. Feb. 7, 1955.
- Iowa State Board of Funeral Director and Embalmer Examiners. Personal interview with L. E. Wilson, Director, division of embalmer education. Feb. 14, 1953.
- Iowa State Board of Osteopathic Examiners. Personal interview with Dwight James, Assistant Secretary. June 2, 1954.
- Iowa State Board of Examiners in Watchmaking. Personal interview with R. A. Wiley, Executive Secretary. June 3, 1955.
- Iowa State Department of Agriculture. Personal interview with Dr. H. U. Garrett, State Veterinarian. June 16, 1955.
- Iowa State Department of Health. Personal interview with K. E. Hartoft, Director, finance and personnel. June 2, 1954, June 16, 1955.